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TITLE 10—ARMY

Chapter VIII—Supplies and Equipment

[Joint Procurement Regulations (JPR)]

PART 801—GENERAL PROVISIONS

PART 803—FORMAL ADVERTISING

PART 809—LABOR

MISCELLANEOUS AMENDMENTS

Section 801.200–3 is added as follows, and §§ 801.101–2, 801.101–4, 801.102–3, 801.102–4, 801.103, 803.300–1 (a) and 809.901 (b) are rescinded and the following substituted therefor:

§ 801.101–2 *Secretary.* The term "Secretary" means the Secretary, Under Secretary or Assistant Secretary of the Army with respect to matters involving the Department of the Army; and the Secretary or Under Secretary of the Department of the Air Force with respect to matters involving the Department of the Air Force.

§ 801.101–4 *Chiefs of the procuring services.* The term "Chiefs of the procuring services" includes the Commanding General, Air Matériel Command, Department of the Air Force, the chiefs of the technical services, Chief, National Guard Bureau, army commanders, and the Commanding General, Military District of Washington.

§ 801.102–3 *Citation.* Parts 801 to 811, inclusive, of this chapter, may be referred to as the Joint Procurement Regulations, and any paragraph may be cited as Joint Procurement Regulations, followed by the paragraph number. This paragraph may be cited as "JPR 1–102.3."

NOTE: As codified herein such citations are translated into CFR section numbers. JPR 1–102.3 would appear as § 801.102–3 (See note following § 801.102–2)

§ 801.102–4 *Amendments.* Parts 801 to 811, inclusive, of this chapter, may be amended from time to time at the joint direction of the Secretary of the Army and the Secretary of the Air Force. Unless otherwise specifically provided in any amendment, compliance therewith shall not be mandatory until 30 days after date of issuance, although compliance shall be authorized from such date.

§ 801.103 *Deviation from regulations.* Deviations from the requirements of Parts 801 to 811, inclusive, of this chapter, by components of the Department of the Army shall be made only by and with the approval of the Chief, Current Procurement Branch, Service, Supply, and Procurement Division, General Staff, United States Army. Deviations from the requirements of the regulations in this part by components of the Air Force shall be made only by and with the approval of the Deputy Chief of Staff, Matériel, United States Air Force. Any basic legal question involved in deviation from the requirements of the regulations in this part by the Department of the Air Force will be referred to the Staff Judge Advocate, Air Matériel Command, before final action for reference, if required or desirable, to the General Counsel; or directly to the General Counsel. For this purpose and any other purpose involving policy having legal implication, direct communication is authorized between the Staff Judge Advocate, Air Matériel Command, and the General Counsel.

§ 801.200–3 *General Counsel of Department of the Air Force.* The General Counsel of the Department of the Air Force is the legal advisor to the Secretary of the Air Force and, as such, is the final authority on all legal questions arising within or referred to the Department of the Air Force.

§ 803.300–1 *Authority.* (a) Authority to authorize the publication of advertisements, notices, or proposals has been delegated by the Secretary to:

(1) Assistant Secretary of the Army.

(2) Under Secretary of the Army.

(3) Mr. Edwin W. Pauley, Special Assistant to the Secretary of the Army.

(4) Director, Service, Supply, and Procurement, General Staff, United States Army.

(5) Chief, Current Procurement Branch, SS&P Division, General Staff, United States Army.

(6) Commanding generals, armies, ZI, for recruiting purposes only.

(7) Division engineers, for civil works and construction only.

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

(8) Director, Procurement and Accounting Division, Office of the Secretary of the Army.

(9) Under Secretary of the Air Force.

(10) Chief of Staff, United States Air Force.

(11) Vice Chief of Staff, United States Air Force.

(12) Deputy Chief of Staff, Matériel, United States Air Force.

(13) Commanding General, Air Matériel Command.

(14) Director, Procurement and Industrial Mobilization Planning, Headquarters, Air Matériel Command.

(15) Chief, Procurement Division, Office of the Director, Procurement and Industrial Mobilization Planning, Headquarters, Air Matériel Command.

Such delegations shall not be redelegated.

* * * * *

§ 809.901 *Requests for relaxation of State labor legislation.* * * *

(b) In matters affecting the Department of the Army, in the event the contractor's request for relaxation is denied, the procuring service concerned, if it deems the contractor's request valid, may refer the matter with its recommendation in respect thereto, through channels to The Judge Advocate General, Attention: Chief, Procurement Division, through the Chief, Procurement Group, Service, Supply and Procurement Division, General Staff, United States Army, for such action as those components may deem appropriate. In matters affecting the Department of the Air Force, such request will be referred by the Air Matériel Command to the Office of the General Counsel, United States Air Force, through the Deputy Chief of Staff, Matériel, United States Air Force, for action. Such referrals should contain the following information:

* * * * *

[Proc. Cir. 1, 15 Jan. 1948, Depts. of the Army and the Air Force] (Sec. 1 (a), (b), 54 Stat. 712, 55 Stat. 838; 41 U. S. C. prec. § 1 note, 50 U. S. C. App. Sup. 601–622; E. O. 9001, Dec. 27, 1941, 6 F. R. 6787)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-1173; Filed, Feb. 9, 1948; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 42–7]

PART 42—NONSCHEDULED AIR CARRIER CERTIFICATION AND OPERATION RULES

AIR CARRIER MINIMUM SAFE ALTITUDES AND DISTANCES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 3d day of February 1948.

The purpose of this regulation is to provide an additional margin of safety for air carriers by raising, with certain exceptions, the present minimum instrument altitudes over mountainous terrain from 1,000 feet to 2,000 feet; the minimum night VFR altitudes in unlighted areas over mountainous terrain from 1,000 feet to 2,000 feet; and the minimum day VFR altitudes from 500 feet to 1,000 feet.

Air carrier accidents in which aircraft have failed to clear the terrain have clearly pointed to the need for raising the minimum en route altitudes to provide for a greater margin of safety in those areas or under those conditions where miscalculations, altimeter errors, or unusual weather conditions may result in insufficient clearance at the presently established minimum altitudes.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 42 of the Civil Air Regulations (14 CFR, Part 42, as amended) effective March 10, 1948:

By amending § 42.35 to read as follows:

§ 42.35 *Flight altitude rules.* Except during take-off and landing, the flight altitude rules prescribed in §§ 42.350 and 42.351, in addition to the applicable provisions of § 60.107, shall govern air carrier operations: *Provided,* That other altitudes may be established by the Administrator for any route or portion thereof where he finds, after considering the character of the terrain being traversed, the quality and quantity of meteorological service, the navigational facilities available, and other flight conditions, that the safe conduct of flight permits or requires such other altitudes.

§ 42.350 *Day VFR passenger operations.* No aircraft engaged in passenger operations shall be flown at an altitude less than 1,000 feet above the surface or less than 1,000 feet from any mountain, hill, or other obstruction to flight.

§ 42.351 *Night VFR or IFR operations.* No aircraft shall be flown at an altitude less than 1,000 feet above the highest obstacle located within a horizontal distance of 5 miles from the center of the course intended to be flown or, in mountainous terrain designated by the Administrator, 2,000 feet above the highest obstacle located within a horizontal distance of 5 miles from the center of the course intended to be flown: *Provided,* That in VFR operations at night in such mountainous areas aircraft may be flown over a lighted civil airway at a minimum altitude of 1,000 feet above such obstacle.

(Secs. 205 (a), 601, 604, 52 Stat. 984, 1007, 1010; 49 U. S. C. 425 (a), 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48–1202; Filed, Feb. 9, 1948; 9:51 a. m.]

[Civil Air Reg., Amdt. 61-13]

PART 61—SCHEDULED AIR CARRIER RULES

AIR CARRIER MINIMUM SAFE ALTITUDES AND DISTANCES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 3d day of February 1948.

The purpose of this regulation is to provide an additional margin of safety for air carriers by raising, with certain exceptions, the present minimum instrument altitudes over mountainous terrain from 1,000 feet to 2,000 feet; the minimum night VFR altitudes in unlighted areas over mountainous terrain from 1,000 feet to 2,000 feet; and the minimum day VFR altitudes from 500 feet to 1,000 feet.

Air carrier accidents in which aircraft have failed to clear the terrain have clearly pointed to the need for raising the minimum en route altitudes to provide for a greater margin of safety in those areas or under those conditions where miscalculations, altimeter errors, or unusual weather conditions may result in insufficient clearance at the presently established minimum altitudes.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 61 of the Civil Air Regulations (14 CFR, Part 61, as amended) effective March 10, 1948:

By amending §§ 61.74 through 61.741 to read as follows:

§ 61.74 *Flight altitude rules.* Except during take-off and landing, the flight altitude rules prescribed in §§ 61.740 and 61.471, in addition to the applicable provisions of § 60.107, shall govern air carrier operations: *Provided,* That other altitudes may be established by the Administrator for any route or portion thereof where he finds, after considering the character of the terrain being traversed, the quality and quantity of meteorological service, the navigational facilities available, and other flight conditions, that the safe conduct of flight permits or requires such other altitudes.

§ 61.740 *Day VFR passenger operations.* No aircraft engaged in passenger operations shall be flown at an altitude less than 1,000 feet above the surface or less than 1,000 feet from any mountain, hill, or other obstruction to flight.

§ 61.741 *Night VFR or IFR operations.* No aircraft shall be flown at an altitude less than 1,000 feet above the highest obstacle located within a horizontal distance of 5 miles from the center of the course intended to be flown or, in mountainous terrain designated by the Administrator, 2,000 feet above the highest obstacle located within a horizontal distance of 5 miles from the center of the course intended to be flown: *Provided,* That in VFR operations at night in such mountainous areas aircraft may be flown over a lighted civil airway at a minimum altitude of 1,000 feet above such obstacle.

(Secs. 205 (a), 601, 604, 52 Stat. 984, 1007, 1010; 49 U. S. C. 425 (a), 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48–1209; Filed, Feb. 9, 1948; 9:52 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC DRUGS

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN- OR STREPTOMYCIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463 and 61 Stat. 11; 21 U. S. C., Sup. 357) the regulations for tests and methods of assay of antibiotic drugs (12 F. R. 2215) and certification of batches of penicillin- or streptomycin-containing drugs (12 F. R. 2231), as amended, are hereby further amended as indicated below:

1. Part 141 is amended by adding the following new section:

§ 141.27 *Procaine penicillin in oil*—(a) *Potency, sterility.* Proceed as directed in § 141.7 (a) and (b).

(b) *Moisture.* Proceed as directed in § 141.23 (c).

2. Part 146 is amended by adding the following new section:

§ 146.45 *Procaine penicillin in oil*—(a) *Standards of identity, strength, quality, and purity.* Procaine penicillin in oil is a suspension of procaine penicillin in refined peanut oil or sesame oil with or without the addition of one or more suitable and harmless dispersing agents. Its potency is 300,000 units per milliliter. Its moisture content is not more than 1.4 percent. It is sterile. The procaine penicillin used conforms to the requirements of § 146.44 (a).

The sesame oil and peanut oil used conform to the standards prescribed therefor by the U. S. P.

(b) *Packaging.* The immediate container of procaine penicillin in oil shall be of colorless transparent glass so closed as to be a tight container as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that its contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change

in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. The quantity of procaine penicillin in oil in each such container shall be not less than 1 milliliter and not more than 20 milliliters, unless it is packaged for repacking. Unless it is packaged for repacking, each container shall be filled with a volume of procaine penicillin in oil in excess of that designated, which excess shall be sufficient to permit the withdrawal and the administration of the volume indicated, whether administered in single or multiple doses.

(c) *Labeling.* Each package of procaine penicillin in oil shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container of the package:

(i) The batch mark;

(ii) The number of units per milliliter of the batch;

(iii) The statement "Expiration date ----------", the blank being filled in with the date which is 12 months after the month during which the batch was certified;

(iv) The statements "For intramuscular use only" and "Shake well."

(2) On the circular or other labeling within or attached to the package, adequate directions for use and warnings as required by section 502 (f) of the act, including:

(i) Clinical indications;

(ii) Dosage and administration, including site of injection;

(iii) Contraindications; and

(iv) Untoward effects that may accompany administration, including sensitization.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of procaine penicillin in oil shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the procaine penicillin used in making such batch was completed, the number of units in each of such packages, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that each ingredient used in making such batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, sterility, moisture.

(ii) The procaine penicillin used in making the batch; potency, sterility, toxicity, pyrogens, moisture, pH, crystallinity, penicillin K content (unless it is crystalline penicillin G), and the procaine penicillin G content if it is procaine penicillin G.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one package for each 500 packages in the batch, but in no case less than three packages nor more than 12 packages, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The procaine penicillin used in making the batch; 10 packages containing approximately 300 milligrams each, packaged in accordance with the requirements of § 146.44 (b).

(iii) In case of an initial request for certification, the peanut oil or sesame oil and each dispersing agent used in making the batch; one package of each containing, respectively, approximately 250 grams and 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fees for the services rendered with respect to each batch of procaine penicillin in oil under the regulations in this part shall be:

(1) $8.00 for each package submitted in accordance with paragraph (d) (3) (i) of this section, $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fees prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

This order, which provides for the marketing of a new penicillin product, procaine penicillin in oil, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the penicillin industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and would be contrary to the public interest, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay the marketing of this new penicillin product.

(52 Stat. 1040, as amended by 59 Stat. 463 and 61 Stat. 11; 21 U. S. C., Sup. 357)

Dated: February 6, 1948.

[SEAL] OSCAR R. EWING, *Administrator.*

[F. R. Doc. 48-1259; Filed, Feb. 9, 1948; 9:32 a. m.]

TITLE 24—HOUSING CREDIT

Chapter I—Home Loan Bank Board

[No. 458]

PART 05—SPECIFIC DELEGATIONS OF AUTHORITY

ASSISTANT SECRETARIES

FEBRUARY 3, 1948.

Resolved that all designations, appointments, powers, authorities, duties, and functions contained in Federal Home Loan Bank Administration Orders No. 5057, dated March 22, 1946, and No. 5255, dated May 20, 1946, are hereby terminated effective February 1, 1948, with respect to Albert V. Ammann and Ray E. Dougherty, respectively.

Resolved further that §§ 05.10 and 05.11 (24 CFR, 1946 Supp.) are hereby amended by deleting the headings and provisions thereof effective as of February 1, 1948.

(Sec. 19, 47 Stat. 737, as amended, sec. 3, 60 Stat. 238; 12 U. S. C. 1439, 5 U. S. C. Sup. 1002; Reorg. Plan No. 3 of 1947, 12 F. R. 4981)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 48-1193; Filed, Feb. 9, 1948; 9:50 a. m.]

[No. 460]

PART 05—SPECIFIC DELEGATIONS OF AUTHORITY

APPROVAL OF AMENDMENTS TO BYLAWS OF FEDERAL SAVINGS AND LOAN ASSOCIATIONS

FEBRUARY 3, 1948.

Resolved that the resolution of January 18, 1936 (filed with the Division of the Federal Register with this resolution) delegating authority to the Governor with respect to the approval of bylaw amendments is hereby rescinded, and

Resolved further that the following shall become effective upon publication in the FEDERAL REGISTER and shall be added as a new § 05.13 of Part 05 of Chapter I of Title 24, of the Code of Federal Regulations:

§ 05.13 *Authority to approve Federal savings and loan association bylaw amendment.* The Governor or the Chief Supervisor is authorized to approve, for the Home Loan Bank Board, amendments to the bylaws of Federal savings and loan associations which:

(a) Change the place of members' annual meetings within the city, town or village in which the Federal association's home office is located,

(b) Change the time of members' annual meetings,

(c) Change the date of members' annual meetings to any date in the month of January,

(d) Provide that proxies in order to be voted must be filed with an officer of the association prior to the date of a meeting; provided such bylaw shall not provide a time restriction of more than five days,

(e) Are in the form, or substantially in the form, previously approved by the Federal Home Loan Bank Board, the

Federal Home Loan Bank Administration or the Home Loan Bank Board, for use by a Federal savings and loan association,

(f) Change in a minor or procedural way, the ordinary operations of the association.

The Governor or the Chief Supervisor may, upon request, extend for a period of not to exceed thirty days the time within which copies of bylaw amendments shall be mailed to members in cases where such mailing within a specified time is required.

(Sec. 5 (a), 48 Stat. 132, as amended, sec. 3, 60 Stat. 238; 12 U. S. C. 1464 (a), 5 U. S. C. Sup. 1002; Reorg. Plan No. 3 of 1947, 12 F. R. 4981)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 48-1194; Filed, Feb. 9, 1948; 9:50 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5601]

PART 183—PRODUCTION OF DISTILLED SPIRITS

TRANSFER IN BOND OF DISTILLED SPIRITS FROM REGISTERED DISTILLERIES TO INTERNAL REVENUE BONDED WAREHOUSES

1. On October 7, 1947 a notice of proposed rule making regarding production of distilled spirits was published in the FEDERAL REGISTER (12 F. R. 6598).

2. After consideration of such relevant matter as was presented by interested persons, the following added §§ 183.314a and 183.328a, and amendments of §§ 183.310, 183.312, 183.313, 183.314, 183.315, 183.322, 183.323, 183.326, 183.327, 183.328, 183.329, 183.331, 183.332, 183.333, 183.429, and 183.430 of Regulations 4, approved February 28, 1940 (26 CFR, Part 183), are hereby adopted.

3. These amendments are designed to simplify the procedure governing the transfer in bond of distilled spirits from registered distilleries to internal revenue bonded warehouses.

TAX-PAYMENT, REMOVAL, AND TRANSFER OF DISTILLED SPIRITS FROM CISTERN ROOM

DEPOSIT IN WAREHOUSE OPERATED ON DISTILLERY PREMISES BY THE DISTILLER

§ 183.310 *Sufficiency of warehouse bond.* Where the bond covering the operation of an internal revenue bonded warehouse on the distillery premises is given in less than the maximum penal sum of $200,000, as shown by the record furnished by the district supervisor pursuant to Regulations 10 (26 CFR, Part 185), the storekeeper-gauger in charge of the warehouse will see that the tax liability on the quantity of spirits deposited in the warehouse, plus the tax liability on spirits represented by all outstanding approved Forms 236 (§§ 183.314 and 183.328) is within the limits of the penal sum of the bond. (Sec. 3176, I. R. C.)

DEPOSIT IN WAREHOUSE OPERATED BY DISTILLER ON CONTIGUOUS PREMISES

§ 183.312 *Sufficiency of warehouse bond.* Where the bond covering the operation of an internal revenue bonded warehouse on premises contiguous to the distillery premises is given in less than the maximum penal sum of $200,000, as shown by the record furnished by the district supervisor pursuant to Regulations 10 (26 CFR, Part 185), and distilled spirits produced at the distillery are deposited in such warehouse in accordance with the procedure prescribed in the preceding section, the storekeeper-gauger in charge of the warehouse will see that the tax liability on the quantity of spirits deposited in the warehouse, plus the tax liability on spirits represented by all outstanding approved Forms 236 (§§ 183.314 and 183.328) is within the limits of the penal sum of the bond. (Sec. 3176, I. R. C.)

TRANSFER TO WAREHOUSE OFF DISTILLERY PREMISES IN SAME DISTRICT, EXCEPT WAREHOUSE OPERATED BY DISTILLER ON CONTIGUOUS PREMISES

§ 183.313 *Application, Form 236.* Where spirits are to be transferred to and entered for deposit in an internal revenue bonded warehouse located off the distillery premises in the same supervisory district, and such warehouse is not operated by the distiller on premises contiguous to the distillery premises, the proprietor of the receiving warehouse shall execute an application for the transfer of the spirits on Form 236. The applicant shall enter all applicable data indicated by the form including the maximum quantity in tax gallons to be transferred in any one truck, railroad car, or other vehicle. He shall prepare an original and five copies of Form 236 and give them to the storekeeper-gauger in charge of the receiving warehouse. (Secs. 2878, 2883, 3176, I. R. C.)

§ 183.314 *Storekeeper-gauger's certificate of sufficiency of warehouse bond.* Upon receipt of Form 236 by the storekeeper-gauger in charge of the warehouse, he will compare the penal sum of the bond as stated in the application with his record furnished by the district supervisor pursuant to Regulations 10 (26 CFR, Part 185). If the bond is given in the maximum penal sum of $200,000, he will certify to the sufficiency thereof on Form 236 and forward all six copies of the form direct to the storekeeper-gauger in charge at the distillery. If the bond is given in less than the maximum penal sum, the storekeeper-gauger in charge will determine from his records whether the tax liability on the quantity of distilled spirits represented by the Form 236, plus the quantity of distilled spirits stored in the warehouse, plus the quantity represented by all outstanding approved Forms 236, is within the limits of the penal sum of the transportation and warehousing bond. If so, he will certify to the sufficiency of the bond on Form 236, record such certification in his records, and forward all six copies of the form direct to the storekeeper-gauger in charge at the distillery. If the transportation and warehousing bond is not sufficient, he will certify to that fact on Form 236 and return all six copies to the proprietor. All applications on Form 236 will expire ninety days (three calendar months) from the date of the execution of the storekeeper-gauger's certificate of bond coverage: *Provided*, That the district supervisor may authorize an extension of ten days if the proprietor furnishes a sufficient basis for such extension and the definite assurance that shipment will be made within such time. (Sec. 3176, I. R. C.)

§ 183.314a *Spirits to be transferred.* Upon receipt of Form 236, the storekeeper-gauger in charge at the distillery will mark one copy "proprietor's copy" and give it to the proprietor. He will file the remaining five copies in his pending file. When the proprietor desires to make shipment, he will return his copy of Form 236 to the storekeeper-gauger in charge and furnish him a complete description of the spirits to be shipped. Where shipment is not made within the ninety-day period, the distiller will return his copy of Form 236 to the storekeeper-gauger in charge unless otherwise directed by the district supervisor. In the event he fails to do so, the storekeeper-gauger in charge will advise the proprietor that Form 236 has expired and request the return of the proprietor's copy, unless otherwise directed by the district supervisor. The storekeeper-gauger in charge will then send all six copies of Form 236 to the district supervisor for cancellation and return to the storekeeper-gauger in charge at the receiving warehouse for adjustment of his record and return to the applicant. (Sec. 3176, I. R. C.)

§ 183.315 *Report of gauge.* Unless previously packaged, the spirits designated by the proprietor to be transferred will be drawn from the receiving cisterns into casks or packages, gauged, marked and branded, or into a weighing tank, gauged, and run by pipe line into a properly equipped railroad tank car. Only spirits produced at a proof in excess of 159 degrees and reduced in the receiving cisterns to not more than 159 and not less than 100 degrees of proof may be transported in railroad tank cars. The quantity transferred shall not exceed the maximum stated in the application. The details of the gauge will be entered by the storekeeper-gauger on six copies of Form 1520. (Secs. 2878, 2883, 3176, 4017, I. R. C.)

§ 183.322 *Distiller's entry for deposit.* When the spirits have been packaged, or run into a railroad tank car and such tank car seal-locked, the storekeeper-gauger in charge will deliver all six copies of Forms 236 and 1520 to the distiller. The distiller shall, on the same date that the spirits are to be removed from the distillery, execute on Form 236 the description of the packages or tank car to be transferred and on Form 1520 the entry for deposit. He shall immediately return all copies of such forms to the storekeeper-gauger in charge who will release the spirits for shipment. (Secs. 2879 (a), 3176, I. R. C.)

§ 183.323 *Storekeeper-gauger's certificate of removal.* Upon removal of the spirits, the storekeeper-gauger will execute his certificate of gauge and removal

on Form 236. The storekeeper-gauger in charge at the distillery will attach one copy of Form 1520 to each copy of Form 236. He will retain one copy of each form, furnish one copy of each to the distiller, forward one copy of each to the supervisor-consignor, and forward one copy of each to the proprietor of the receiving warehouse and two copies of each to the storekeeper-gauger in charge at the receiving warehouse. When shipment is made by truck, one of the two sets of forms for the storekeeper-gauger in charge at the receiving warehouse will be sealed in an envelope addressed to such storekeeper-gauger in charge and handed to the person in charge of the truck for delivery to him. (Secs. 2878, 2883, 3170, 3176, I. R. C.)

§ 183.326 *Storekeeper-gauger's receipt of spirits at warehouse.* After the spirits have been deposited in the receiving warehouse, the storekeeper-gauger will execute his receipt on both copies of Form 236. The storekeeper-gauger in charge will retain one copy each of Forms 236 and 1520 and forward one copy of each form to the district supervisor. No withdrawal or transfer in bond of spirits received at the warehouse will be made until the two sets of Forms 236 and 1520 have been received by the storekeeper-gauger in charge. (Secs. 2878, 2883, 3176, I. R. C.)

TRANSFER TO WAREHOUSE OFF DISTILLERY PREMISES, IN DIFFERENT DISTRICT

§ 183.327 *Application, Form 236.* Where spirits are to be transferred to and entered for deposit in an internal revenue bonded warehouse located in a different supervisory district than the distillery, the proprietor of the receiving warehouse shall execute an application for the transfer of the spirits on Form 236. The applicant shall enter all applicable data indicated by the form including the maximum quantity in tax gallons to be transferred in any one truck, railroad car, or other vehicle. He shall prepare an original and six copies of Form 236 and give them to the storekeeper-gauger in charge of the receiving warehouse. (Secs. 2878, 2883, 3176, I. R. C.)

§ 183.328 *Storekeeper-gauger's certificate of sufficiency of warehouse bond.* Upon receipt of Form 236 by the storekeeper-gauger in charge at the warehouse, he will compare the penal sum of the bond as stated in the application with his record furnished by the district supervisor pursuant to Regulation 10 (26 CFR, Part 185). If the bond is given in the maximum penal sum of $200,000, he will certify to the sufficiency thereof on Form 236 and forward all seven copies of the form direct to the storekeeper-gauger in charge at the distillery. If the bond is given in less than the maximum penal sum, the storekeeper-gauger in charge will determine from his records whether the tax liability on the quantity of spirits represented by the Form 236, plus the quantity of spirits stored in the warehouse, plus the quantity represented by all outstanding approved Forms 236, is within the limits of the penal sum of the transportation and warehousing bond. If so, he will certify to the sufficiency of the bond on Form 236, record such certification in his records, and forward all seven copies of the form direct to the storekeeper-gauger in charge at the distillery. If the transportation and warehousing bond is not sufficient, he will certify to that fact on Form 236 and return all seven copies to the proprietor. All applications on Form 236 will expire ninety days (three calendar months) from the date of the execution of the storekeeper-gauger's certificate of bond coverage: *Provided*, That the supervisor-consignor may authorize an extension of ten days if the proprietor furnishes a sufficient basis for such extension and the definite assurance that shipment will be made within such time. (Sec. 3176, I. R. C.)

§ 183.328a *Spirits to be transferred.* Upon receipt of Form 236, the storekeeper-gauger in charge at the distillery will mark one copy "proprietor's copy" and give it to the proprietor. He will file the remaining six copies in his pending file. When the proprietor desires to make shipment, he will return his copy of Form 236 to the storekeeper-gauger in charge and furnish him a complete description of the spirits to be shipped. Where shipment is not made within the ninety-day period, the distiller will return his copy of Form 236 to the storekeeper-gauger in charge unless otherwise directed by the supervisor-consignor. In the event he fails to do so, the storekeeper-gauger in charge will advise the proprietor that Form 236 has expired and request the return of the proprietor's copy, unless otherwise directed by the supervisor-consignor. The storekeeper-gauger in charge will then send all seven copies of Form 236 to the supervisor-consignor for cancellation and return to the storekeeper-gauger in charge at the receiving warehouse for adjustment of his record and return to the applicant. (Sec. 3176, I. R. C.)

§ 183.329 *Report of gauge.* Unless previously packaged, the spirits designated by the proprietor to be transferred will be drawn from the receiving cisterns into casks or packages, gauged, marked and branded, or into a weighing tank, gauged, and run by pipe line into a properly equipped railroad tank car. Only spirits produced at a proof in excess of 159 degrees and reduced in the receiving cisterns to not more than 159 and not less than 100 degrees of proof may be transported in railroad tank cars. The quantity transferred shall not exceed the maximum stated in the application. The details of the gauge will be entered by the storekeeper-gauger on seven copies of Form 1520. (Secs. 2878, 2883, 3176, 4017, I. R. C.)

§ 183.331 *Distiller's entry for deposit.* When the spirits have been packaged, or run into a railroad tank car and such tank car seal-locked, the storekeeper-gauger in charge will deliver all seven copies of Forms 236 and 1520 to the distiller. The distiller shall, on the same date that the spirits are to be removed from the distillery, execute on Form 236 the description of the packages or tank car to be transferred and on Form 1520 the entry for deposit. He shall immediately return all copies of such forms to the storekeeper-gauger in charge who will release the spirits for shipment. (Secs. 2879 (a), 3176, I. R. C.)

§ 183.332 *Storekeeper-gauger's certificate of removal.* Upon removal of the spirits, the storekeeper-gauger will execute his certificate of gauge and removal on Form 236. The storekeeper-gauger in charge at the distillery will attach one copy of Form 1520 to each copy of Form 236. He will retain one copy of each form, furnish one copy of each to the distiller, forward one copy of each to the supervisor-consignor, and forward one copy of each to the proprietor of the receiving warehouse and three copies of each to the storekeeper-gauger in charge at the receiving warehouse. When shipment is made by truck, one of the three sets of forms for the storekeeper-gauger in charge at the receiving warehouse will be sealed in an envelope addressed to such storekeeper-gauger in charge and handed to the person in charge of the truck for delivery to him. (Secs. 2878, 2883, 3170, 3176, 4017, I. R. C.)

§ 183.333 *Storekeeper-gauger's receipt of spirits at warehouse.* The storekeeper-gauger at the receiving warehouse will examine the shipment upon its arrival and ascertain and note any losses or discrepancies as provided in §§ 183.324 and 183.325. After the spirits have been deposited, the storekeeper-gauger will execute his receipt on the three copies of Form 236. The storekeeper-gauger in charge will retain one copy each of Forms 236 and 1520, and forward two copies of each form to the supervisor of his district. The district supervisor will retain one copy of each form and forward the remaining copy of each to the supervisor of the district from which the spirits were transferred. No withdrawal or transfer in bond of spirits received at the warehouse will be made until the three sets of Forms 236 and 1520 have been received by the storekeeper-gauger in charge. (Secs. 2878, 2883, 3176, I. R. C.)

CONCERNING LOCKS AND SEALS

§ 183.429 *Storekeeper-gauger's record of cap and lock seals.* A record of cap and lock seals received and used at each registered distillery will be kept by storekeeper-gaugers on Form 289, "Storekeeper-gauger's Record and Report of Government Property," in accordance with the titles of the columns and lines and the instructions on the form. Form 289 will be kept in the Government cabinet when not in use. (Sec. 3176, I. R. C.)

§ 183.430 *Storekeeper-gauger's report of Government property.* On or before the fifth day of the month succeeding that for which the transactions are reported, the storekeeper-gauger will prepare a monthly report on Form 289, "Storekeeper-gauger's Record and Report of Government Property," of all Government property at the registered distillery. Form 289 will be prepared, in duplicate, in accordance with the titles of the columns and lines and the instructions on the form. He will forward the original to the district supervisor and retain the copy for his files. (Sec. 3176, I. R. C.)

4. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

(Secs. 2878, 2879 (a), 2883, 3170, 3176, 4017, Internal Revenue Code, 26 U. S. C. 2878, 2879 (a), 2883, 3170, 3176, 4017)

[SEAL] GEO. J. SCHOENEMAN, *Commissioner.*

Approved: February 4, 1948.

A. L. M. WIGGINS, *Acting Secretary of the Treasury.*

[F. R. Doc. 48-1207; Filed, Feb. 9, 1948; 9:52 a. m.]

[T. D. 5602]

PART 184—PRODUCTION OF BRANDY

TRANSFER IN BOND OF DISTILLED SPIRITS FROM FRUIT DISTILLERIES TO INTERNAL REVENUE BONDED WAREHOUSES

1. On October 7, 1947, a notice of proposed rule making regarding production of brandy was published in the FEDERAL REGISTER (12 F. R. 6600).

2. After consideration of such relevant matter as was presented by interested persons, the following added §§ 184.315a and 184.329a, and amendments of §§ 184.311, 184.313, 184.314, 184.315, 184.316, 184.323, 184.324, 184.327, 184.328, 184.329, 184.330, 184.332, 184.333, 184.334, 184.446, and 184.447 of Regulations 5, approved February 28, 1940 (26 CFR, Part 184), are hereby adopted.

3. These amendments are designed to simplify the procedure governing the transfer in bond of distilled spirits from fruit distilleries to internal revenue bonded warehouses.

TAX-PAYMENT, REMOVAL AND TRANSFER OF BRANDY FROM DISTILLERY

DEPOSIT IN WAREHOUSE OPERATED ON DISTILLERY PREMISES BY THE DISTILLER

§ 184.311 *Sufficiency of warehouse bond.* Where the bond covering the operation of an internal revenue bonded warehouse on the distillery premises is given in less than the maximum penal sum of $200,000, as shown by the record furnished by the district supervisor pursuant to Regulations 10 (26 CFR, Part 185), the storekeeper-gauger in charge of the warehouse will see that the tax liability on the quantity of distilled spirits deposited in the warehouse, plus the tax liability on distilled spirits represented by all outstanding approved Forms 236 (§§ 184.315 and 184.329) is within the limits of the penal sum of the bond. (Sec. 3176, I. R. C.)

DEPOSIT IN WAREHOUSE OPERATED BY THE DISTILLER ON CONTIGUOUS PREMISES

§ 184.313 *Sufficiency of warehouse bond.* Where the bond covering the operation of an internal revenue bonded warehouse on premises contiguous to the distillery premises is given in less than the maximum penal sum of $200,000, as shown by the record furnished by the district supervisor pursuant to Regulations 10 (26 CFR, Part 185), and brandy produced at the distillery is deposited in such warehouse in accordance with the procedure prescribed in the preceding section, the storekeeper-gauger in charge of the warehouse will see that the tax liability on the quantity of distilled spirits deposited in the warehouse, plus the tax liability on distilled spirits represented by all outstanding approved Forms 236 (§§ 184.315 and 184.329) is within the limits of the penal sum of the bond. (Sec. 3176, I. R. C.)

TRANSFER TO WAREHOUSE OFF DISTILLERY PREMISES IN SAME DISTRICT, EXCEPT WAREHOUSE OPERATED BY DISTILLER ON CONTIGUOUS PREMISES

§ 184.314 *Application, Form 236.* Where brandy is to be transferred to and entered for deposit in an internal revenue bonded warehouse located off the distillery premises in the same supervisory district, and such warehouse is not operated by the distiller on premises contiguous to the distillery premises, the proprietor of the receiving warehouse shall execute an application for the transfer of the brandy on Form 236. The applicant shall enter all applicable data indicated by the form including the maximum quantity in tax gallons to be transferred in any one truck, railroad car, or other vehicle. He shall prepare an original and five copies of Form 236 and give them to the storekeeper-gauger in charge of the receiving warehouse. (Secs. 2878, 2883, 3176, I. R. C.)

§ 184.315 *Storekeeper-gauger's certificate of sufficiency of warehouse bond.* Upon receipt of Form 236 by the storekeeper-gauger in charge of the warehouse, he will compare the penal sum of the bond as stated in the application with his record furnished by the district supervisor pursuant to Regulations 10 (26 CFR, Part 185). If the bond is given in the maximum penal sum of $200,000, he will certify to the sufficiency thereof on Form 236 and forward all six copies of the form direct to the storekeeper-gauger in charge at the distillery. If the bond is given in less than the maximum penal sum, the storekeeper-gauger in charge will determine from his records whether the tax liability on the quantity of brandy represented by the Form 236, plus the quantity of distilled spirits stored in the warehouse, plus the quantity represented by all outstanding approved Forms 236, is within the limits of the penal sum of the transportation and warehousing bond. If so, he will certify to the sufficiency of the bond on Form 236, record such certification in his records, and forward all six copies of the form direct to the storekeeper-gauger in charge at the distillery. If the transportation and warehousing bond is not sufficient, he will certify to that fact on Form 236 and return all six copies to the proprietor. All applications on Form 236 will expire ninety days (three calendar months) from the date of the execution of the storekeeper-gauger's certificate of bond coverage: *Provided,* That the district supervisor may authorize an extension of ten days if the proprietor furnishes a sufficient basis for such extension and the definite assurance that shipment will be made within such time. (Sec. 3176 I. R. C.)

§ 184.315a *Brandy to be transferred.* Upon receipt of Form 236, the storekeeper-gauger in charge at the distillery will mark one copy "proprietor's copy" and give it to the proprietor. He will file the remaining five copies in his pending file. When the proprietor desires to make shipment, he will return his copy of Form 236 to the storekeeper-gauger in charge and furnish him a complete description of the brandy to be shipped. Where shipment is not made within the ninety-day period, the distiller will return his copy of Form 236 to the storekeeper-gauger in charge unless otherwise directed by the district supervisor. In the event he fails to do so, the storekeeper-gauger in charge will advise the proprietor that Form 236 has expired and request the return of the proprietor's copy, unless otherwise directed by the district supervisor. The storekeeper-gauger in charge will then send all six copies of Form 236 to the district supervisor for cancellation and return to the storekeeper-gauger in charge at the receiving warehouse for adjustment of his record and return to the applicant. (Sec. 3176, I. R. C.)

§ 184.316 *Report of gauge.* Unless previously packaged, the brandy will be drawn from the receiving or storage tanks into packages, gauged, marked and branded, or into a weighing tank, gauged, and run by pipe line into a properly equipped railroad tank car. The quantity transferred shall not exceed the maximum stated in the application. The details of the gauge will be entered by the storekeeper-gauger on six copies of Form 1520. If the packages to be transferred were previously filled, the storekeeper-gauger will inspect them but will not regauge the same, unless the circumstances are such as to make a regauge advisable. Where packages previously filled are removed on the filling gauge, the storekeeper-gauger will prepare six copies of Form 1520, copying the details from the report of the filling gauge. (Secs. 2878, 2883, 3176, 4017, I. R. C.)

§ 184.323 *Distiller's entry for deposit.* When the brandy has been packaged, or run into a railroad tank car and such tank car seal-locked, the storekeeper-gauger in charge will deliver all six copies of Forms 236 and 1520 to the distiller. The distiller shall, on the same date that the brandy is to be removed from the distillery, execute on Form 236 the description of the packages or tank car to be transferred and on Form 1520 the entry for deposit. He shall immediately return all copies of such forms to the storekeeper-gauger in charge who will release the brandy for shipment. (Secs. 2879 (a), 3176, I. R. C.)

§ 184.324 *Storekeeper-gauger's certificate of removal.* Upon removal of the brandy, the storekeeper-gauger will execute his certificate of gauge and removal on Form 236. The storekeeper-gauger in charge will attach one copy of Form 1520 to each copy of Form 236. He will retain one copy of each form, furnish one copy of each to the distiller, forward one copy of each to the supervisor-consignor, and forward one copy of each to the proprietor of the receiving warehouse and two copies of each to the storekeeper-gauger in charge at the receiving warehouse. When shipment is

made by truck, one of the two sets of forms for the storekeeper-gauger in charge at the receiving warehouse will be sealed in an envelope addressed to such storekeeper-gauger in charge and handed to the person in charge of the truck for delivery to him. (Secs. 2878, 2883, 3170, 3176, I. R. C.)

§ 184.327 *Storekeeper-gauger's receipt of brandy at warehouse.* After the brandy has been deposited in the receiving warehouse, the storekeeper-gauger will execute his receipt on both copies of Form 236. The storekeeper-gauger in charge will retain one copy each of Forms 236 and 1520 and forward one copy of each form to the district supervisor. No withdrawal or transfer in bond of brandy received at the warehouse will be made until the two sets of Forms 236 and 1520 have been received by the storekeeper-gauger in charge. (Secs. 2878, 2883, 3176, I. R. C.)

TRANSFER TO WAREHOUSE OFF DISTILLERY PREMISES IN DIFFERENT DISTRICT

§ 184.328 *Application, Form 236.* Where brandy is to be entered for deposit in an internal revenue bonded warehouse located in a different supervisory district than the distillery, the proprietor of the receiving warehouse shall execute an application for the transfer of the brandy on Form 236. The applicant shall enter all applicable data indicated by the form including the maximum quantity in tax gallons to be transferred in any one truck, railroad car, or other vehicle. He shall prepare an original and six copies of Form 236 and give them to the storekeeper-gauger in charge of the receiving warehouse. (Secs. 2878, 2883, 3176, I. R. C.)

§ 184.329 *Storekeeper-gauger's certificate of sufficiency of warehouse bond.* Upon receipt of Form 236 by the storekeeper-gauger in charge of the warehouse, he will compare the penal sum of the bond as stated in the application with his record furnished by the district supervisor pursuant to Regulations 10 (26 CFR, Part 185). If the bond is given in the maximum penal sum of $200,000, he will certify to the sufficiency thereof on Form 236 and forward all seven copies of the form direct to the storekeeper-gauger in charge at the distillery. If the bond is given in less than the maximum penal sum, the storekeeper-gauger in charge will determine from his records whether the tax liability on the quantity of brandy represented by the Form 236, plus the quantity of spirits stored in the warehouse, plus the quantity represented by all outstanding approved Forms 236, is within the limits of the penal sum of the transportation and warehousing bond. If so, he will certify to the sufficiency of the bond on Form 236, record such certification in his records, and forward all seven copies of the form direct to the storekeeper-gauger in charge at the distillery. If the transportation and warehousing bond is not sufficient, he will certify to that fact on Form 236 and return all seven copies to the proprietor. All applications on Form 236 will expire ninety days (three calendar months) from the date of the execution of the storekeeper-gauger's certificate of bond coverage: *Provided,* That the supervisor-consignor may authorize an extension of ten days if the proprietor furnishes a sufficient basis for such extension and the definite assurance that shipment will be made within such time. (Sec. 3176, I. R. C.)

§ 184.329a *Brandy to be transferred.* Upon receipt of Form 236, the storekeeper-gauger in charge at the distillery will mark one copy "proprietor's copy" and give it to the proprietor. He will file the remaining six copies in his pending file. When the proprietor desires to make shipment, he will return his copy of Form 236 to the storekeeper-gauger in charge and furnish him a complete description of brandy to be shipped. Where shipment is not made within the ninety-day period, the distiller will return his copy of Form 236 to the storekeeper-gauger in charge unless otherwise directed by the supervisor-consignor. In the event he fails to do so, the storekeeper-gauger in charge will advise the proprietor that Form 236 has expired and request the return of the proprietor's copy, unless otherwise directed by the supervisor-consignor. The storekeeper-gauger in charge will then send all seven copies of Form 236 to the supervisor-consignor for cancellation and return to the storekeeper-gauger in charge at the receiving warehouse for adjustment of his record and return to the applicant. (Sec. 3176, I. R. C.)

§ 184.330 *Report of gauge.* Unless previously packaged, the brandy will be drawn from the receiving or storage tanks into casks or packages, gauged, marked and branded, or into a weighing tank, gauged, and run by pipe line into a properly equipped railroad tank car. The quantity transferred shall not exceed the quantity stated in the application. The details of the gauge will be entered by the storekeeper-gauger on seven copies of Form 1520. If the packages to be transferred were previously filled, the storekeeper-gauger will inspect them but will not regauge the same, unless the circumstances are such as to make a regauge advisable. Where previously filled packages are removed on the filling gauge, the storekeeper-gauger will prepare seven copies of Form 1520, copying the details from the report of the filling gauge. (Secs. 2878, 2883, 3176, 4017, I. R. C.)

§ 184.332 *Distiller's entry for deposit.* When the brandy has been packaged, or run into a railroad tank car and such tank car seal-locked, the storekeeper-gauger in charge will deliver all seven copies of Forms 236 and 1520 to the distiller. The distiller shall, on the same date that the brandy is to be removed from the distillery, execute on Form 236 the description of the packages or tank car to be transferred and on Form 1520 the entry for deposit. He shall immediately return all copies of such forms to the storekeeper-gauger in charge who will release the brandy for shipment. (Secs. 2879 (a), 3176, I. R. C.)

§ 184.333 *Storekeeper-gauger's certificate of removal.* Upon removal of the brandy, the storekeeper-gauger will execute his certificate of gauge and removal on Form 236. The storekeeper-gauger in charge will attach one copy of Form 1520 to each copy of Form 236. He will retain one copy of each form, furnish one copy of each to the distiller, forward one copy of each to the supervisor-consignor, and forward one copy of each to the proprietor of the receiving warehouse and three copies of each to the storekeeper-gauger in charge at the receiving warehouse. When shipment is made by truck, one of the three sets of forms for the storekeeper-gauger in charge at the receiving warehouse will be sealed in an envelope addressed to such storekeeper-gauger in charge and handed to the person in charge of the truck for delivery to him. (Secs. 2878, 2883, 3176, I. R. C.)

§ 184.334 *Storekeeper-gauger's receipt of brandy at warehouse.* The storekeeper-gauger at the receiving warehouse will examine the shipment upon its arrival and ascertain and note any losses or discrepancies as provided in §§ 184.325 and 184.326. After the brandy has been deposited, the storekeeper-gauger will execute his receipt on the three copies of Form 236. The storekeeper-gauger in charge will retain one copy each of Forms 236 and 1520, and forward two copies of each form to the supervisor of his district. The district supervisor will retain one copy of each form and forward the remaining copy of each to the supervisor of the district from which the brandy was transferred. No withdrawal or transfer in bond of brandy received at the warehouse will be made until the three sets of Forms 236 and 1520 have been received by the storekeeper-gauger in charge. (Secs. 2878, 2883, 3170, 3176, I. R. C.)

CONCERNING LOCKS AND SEALS

§ 184.446 *Storekeeper-gauger's record of cap and lock seals.* A record of cap and lock seals received and used at each fruit distillery will be kept by storekeeper-gaugers on Form 289, "Storekeeper-gauger's Record and Report of Government Property," in accordance with the titles of the columns and lines and the instructions on the form. Form 289 will be kept in the Government cabinet when not in use. (Sec. 3176, I. R. C.)

§ 184.447 *Storekeeper-gauger's report of Government property.* On or before the fifth day of the month succeeding that for which the transactions are reported, the storekeeper-gauger will prepare a monthly report on Form 289, "Storekeeper-gauger's Record and Report of Government Property," of all Government property at the fruit distillery. Form 289 will be prepared, in duplicate, in accordance with the titles of the columns and lines and the instructions on the form. He will forward the original to the district supervisor and retain the copy for his files. (Sec. 3176, I. R. C.)

4. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

(Secs. 2878, 2879 (a), 2883, 3170, 3176, 4017 Internal Revenue Code, 26 U. S. C. 2878, 2879 (a), 2883, 3170, 3176, 4017)

[SEAL] GEO. J. SCHOENEMAN, *Commissioner.*

Approved: February 4, 1948.

A. L. M. WIGGINS, *Acting Secretary of the Treasury.*

[F. R. Doc. 48-1205; Filed, Feb. 9, 1948; 9:51 a. m.]

[T. D. 5603]

PART 185—WAREHOUSING OF DISTILLED SPIRITS

TRANSFER IN BOND OF DISTILLED SPIRITS FROM REGISTERED AND FRUIT DISTILLERIES TO INTERNAL REVENUE BONDED WAREHOUSES AND BETWEEN INTERNAL REVENUE BONDED WAREHOUSES

1. On October 7, 1947 a notice of proposed rule making regarding warehousing of distilled spirits was published in the FEDERAL REGISTER (12 F. R. 6602).

2. After consideration of such relevant matter as was presented by interested persons, the following added §§ 185.112a, 185.298a, 185.298b, 185.312a, 185.312b and 185.312c, and amendments of §§ 185.154, 185.155, 185.215, 185.272, 185.298, 185.299, 185.300, 185.301, 185.302, 185.310, 185.311, 185.312, 185.313, 185.314, 185.366, 185.471, 185.494 and 185.495 of Regulations 10, approved May 20, 1940 (26 CFR, Part 185), are hereby adopted.

3. These amendments are designed to simplify the procedure governing the transfer in bond of distilled spirits from registered and fruit distilleries to internal revenue bonded warehouses and transfers in bond between internal revenue bonded warehouses.

ACTION BY DISTRICT SUPERVISOR

ORIGINAL ESTABLISHMENT

§ 185.112a *Notice of penal sum of bond.* The district supervisor will inform the storekeeper-gauger in charge of each internal revenue bonded warehouse in his district of the penal sum of the approved transportation and warehousing bond. The district supervisor will advise the storekeeper-gauger currently of any change in the penal sum of such bond. (Sec. 3176, I. R. C.)

DEPOSIT OF SPIRITS IN WAREHOUSE

SPIRITS RECEIVED IN CASKS OR OTHER APPROVED CONTAINERS

§ 185.154 *Disposition of deposit forms.* Where spirits are received from a distillery operated by the proprietor on the same or contiguous premises, the storekeeper-gauger in charge at the receiving warehouse will retain the copy of Form 1520 covering the deposit of the spirits. Upon the deposit of spirits received from a distillery not operated by the proprietor of the warehouse on the same or contiguous premises, or from another bonded warehouse, the storekeeper-gauger at the receiving warehouse will, after ascertaining and noting losses or discrepancies as provided in §§ 185.151, 185.152 and 185.153, execute his certificate of receipt on each copy of Form 236 received from the storekeeper-gauger in charge at the distillery or shipping warehouse. The storekeeper-gauger in charge will retain one copy of such form, with Form 1520, 1619, or 1620 attached, and forward the remaining copies of each form, one in the case of spirits received from distilleries and warehouses in the same district and two in the case of spirits received from distilleries and warehouses in other districts, to the supervisor of his district. The district supervisor will retain one copy of each form, and, where the distillery or warehouse from which the spirits were received is located in another district, will transmit one copy of each form to the supervisor of such district. Where cases of bottled-in-bond spirits are received from the bottling-in-bond department, the storekeeper-gauger in charge will retain Form 1620. (Sec. 3176, I. R. C.)

SUFFICIENCY OF BOND

§ 185.155 *Storekeeper-gauger to be informed.* Where spirits are received for deposit from a distillery operated by the proprietor of the warehouse on the same or contiguous premises, and the penal sum of the transportation and warehousing bond is less than the maximum of $200,000, as shown by the record furnished by the district supervisor pursuant to § 185.112a, the storekeeper-gauger in charge of the warehouse will see that the tax liability on the quantity of spirits deposited in the warehouse, plus the tax liability on the spirits represented by all outstanding approved Forms 236 (§§ 185.298a and 185.312a) is within the limits of the penal sum of the bond. Such information shall also be furnished where brandies are blended under the provisions of section 2801 (e) (5), I. R. C. (when the penal sum of the bond is less than the maximum), and the storekeeper-gauger shall see that the penal sum of the bond is sufficient to cover the additional tax of 30 cents a proof gallon on all blended brandy on hand or in transit to the warehouse at any one time as well as the tax under section 2800 (a) (1), I. R. C., on all brandy on hand at any one time. (Secs. 2801 (e) (5), 2879, 3176, I. R. C.)

LOSSES OF DISTILLED SPIRITS BY THEFT, ACCIDENT, OR OTHERWISE THAN BY LEAKAGE OR EVAPORATION, IN WAREHOUSE OR IN TRANSIT THERETO, EXCEPT LOSSES FROM STORAGE TANKS OR STEEL DRUMS FILLED THEREFROM OF BRANDY OR FRUIT SPIRITS INTENDED FOR FORTIFICATION OF WINE

§ 185.215 *Examination of claim.* When an application for remission of tax is received by the district supervisor he will carefully examine the same to see that all the required information has been furnished, and will cause such investigation to be made or require such additional evidence to be submitted as he may deem necessary. Upon completion of his investigation, if any, the district supervisor will forward one complete copy of the claim and accompanying papers, together with any pertinent reports and documentary evidence, including, in the case of losses in transit to a bonded warehouse, a copy of the Form 1520, 1619, 1620 or a transcript of the storekeeper-gauger's notation thereon, or other report, to the Commissioner with his recommendation in respect to the allowance or disallowance of the claim. (Sec. 3176, I. R. C.)

WITHDRAWAL OF DISTILLED SPIRITS FROM WAREHOUSE

RECORDS AND REPORTS

§ 185.272 *Filing of withdrawal papers.* All copies of the withdrawal papers, Forms 179, 206, 236, 257, 543, 573, 655, 1518, 1519, 1520, 1619, and 1620, retained by the storekeeper-gauger upon the withdrawal of distilled spirits from the warehouse and the copy of Form 1685 retained by him upon completion of brandy-blending operations, as hereinafter provided, shall be filed by him in the manner prescribed in §§ 185.465 to 185.471, inclusive. (Secs. 2801 (e) (5), 3176, I. R. C.)

TRANSFERS IN BOND BETWEEN INTERNAL REVENUE BONDED WAREHOUSES

TRANSFERS BETWEEN WAREHOUSES IN SAME DISTRICT

§ 185.298 *Application, Form 236.* Where the transfer is to be made between bonded warehouses in the same supervisory district, the proprietor of the receiving warehouse shall execute an application for the transfer of the spirits on Form 236. The applicant shall enter all applicable data indicated by the form including the maximum quantity in tax gallons to be transferred in any one truck, railroad car or other vehicle. He shall prepare an original and five copies of Form 236 and give them to the storekeeper-gauger in charge of the receiving warehouse. (Secs. 2875, 3176, I. R. C.)

§ 185.298a *Storekeeper-gauger's certificate of sufficiency of bond.* Upon receipt of Form 236 by the storekeeper-gauger in charge, he will compare the penal sum of the bond as stated in the application with his record furnished by the district supervisor pursuant to § 185.112a. If the warehouse bond is given in the maximum penal sum of $200,000, he will certify to the sufficiency thereof on Form 236, and forward all six copies of the form direct to the storekeeper-gauger in charge at the shipping warehouse. If the warehouse bond is given in less than the maximum penal sum, the storekeeper-gauger in charge will determine from his records whether the tax liability on the quantity of distilled spirits represented by the Form 236, plus the quantity of distilled spirits stored in the warehouse, plus the quantity represented by all outstanding approved Forms 236, is within the limits of the penal sum of the transportation and warehousing bond. If so, he will certify to the sufficiency of the bond on Form 236, record such certification in his records, and forward all six copies of the form direct to the storekeeper-gauger in charge at the shipping warehouse. If the transportation and warehousing bond is not sufficient, he will certify to that fact on Form 236 and return all six copies to the proprietor. All applications on Form 236 will expire ninety days (three calendar months) from the date of the execution of the storekeeper-

gauger's certificate of bond coverage: *Provided*, That the district supervisor may authorize an extension of ten days if the proprietor furnishes a sufficient basis for such extension and the definite assurance that shipment will be made within such time. (Secs. 2875, 3176, I. R. C.)

§ 185.298b *Spirits to be transferred.* Upon receipt of Form 236, the storekeeper-gauger in charge at the shipping warehouse will mark one copy "proprietor's copy" and give it to the proprietor. He will file the remaining five copies in his pending file. When the proprietor desires to make shipment, he will return his copy of Form 236 to the storekeeper-gauger in charge and furnish him a complete description of the spirits to be shipped. Where shipment is not made within the ninety-day period, the proprietor will return his copy of Form 236 to the storekeeper-gauger in charge unless otherwise directed by the district supervisor. In the event he fails to do so, the storekeeper-gauger in charge will advise the proprietor that Form 236 has expired and request the return of the proprietor's copy, unless otherwise directed by the district supervisor. The storekeeper-gauger in charge will then send all six copies of Form 236 to the district supervisor for cancellation and return to the storekeeper-gauger in charge at the receiving warehouse for adjustment of his record and return to the applicant. (Secs. 2875, 3176, I. R. C.)

§ 185.299 *Transfers in packages.* If the spirits to be transferred are in original packages or in packages filled from warehouse storage tanks, or are blended brandies in packages filled in the brandy-blending department, the storekeeper-gauger shall inspect the packages designated by the proprietor to be transferred and supervise the weighing thereof as provided in the Gauging Manual. He will prepare an original and five copies of Form 1619 covering only the packages to be shipped. The quantity to be transferred shall not exceed the maximum stated in the application. In the case of blended brandies the storekeeper-gauger shall also show on Form 1619 the date and serial number of the Form 1685 covering the blending of the brandies, the date of original entry of the oldest brandy in the blend and the date of original entry of the youngest brandy in the blend. The storekeeper-gauger in charge will give all six copies of Forms 236 and 1619 to the proprietor, who shall, on the same date that the spirits are to be transferred, execute on the six copies of Form 236 the description of the packages to be transferred. He will then return the six copies of the forms to the storekeeper-gauger in charge. Immediately after the packages are weighed for transfer in bond, the proprietor may, if he so desires, take the proof of the spirits, provided such is done expeditiously and additional storekeeper-gaugers will not be required to supervise the operation. The taking of average or actual tare will not be permitted. If the warehouseman prepares a record of such commercial gauge, two copies thereof will be given to the storekeeper-gauger, who will retain one copy and forward the other to the storekeeper-gauger at the receiving warehouse, as hereinafter provided, for reference if claim is filed for loss by theft, accident, or otherwise than by leakage or evaporation, or where claim is filed under section 2801 (e) (5), I. R. C., for losses from packages of blended brandies. Upon withdrawal for transfer the packages will be marked as provided in the Gauging Manual. Forms 236 and 1619 will be disposed of in accordance with § 185.310. (Secs. 2801 (e) (5), 2875, 3176, I. R. C.)

§ 185.300 *Transfers in cases.* If the spirits to be transferred were bottled in bond before tax-payment, the storekeeper-gauger will inspect the cases designated by the proprietor to be transferred. He will prepare an original and five copies of Form 1620 covering only the cases to be shipped. The quantity to be transferred shall not exceed the maximum stated in the application. The storekeeper-gauger in charge will give all six copies of Forms 236 and 1620 to the proprietor who shall, on the same date that the spirits are to be transferred, execute on the six copies of Form 236 the description of the cases to be transferred. He will then return the six copies of the forms to the storekeeper-gauger in charge. Upon withdrawal for transfer, the word "Transferred" followed by the date of transfer, the word "To," the number of the receiving warehouse, and the State in which such warehouse is located, will be plainly and durably stenciled or stamped upon the Government side of each case in letters and figures not less than three-eighths inch in height. These marks may be abbreviated as follows:

Trans. 3–20–1938
To I. R. B. W 25 N. Y.

Where there is insufficient space on the Government side of the case, these marks may be placed upon another side of the case. Forms 236 and 1620 will be disposed of in accordance with § 185.310. (Secs. 2875, 3176, I. R. C.)

§ 185.301 *Transfer in tank cars.* If the spirits to be transferred are in a previously filled tank car designated by the proprietor to be transferred, the storekeeper-gauger will inspect the car and prepare an original and five copies of Form 1520, copying the details from the entry Form 1520, except that if the contents of the tank car were previously regauged owing to evidence of loss of spirits therefrom by theft, accident, or otherwise than by leakage or evaporation, the transfer Form 1520 will show both the original contents and the contents disclosed by the regauge. The quantity to be transferred shall not exceed the maximum stated in the application. The storekeeper-gauger in charge will give all six copies of Forms 236 and 1520 to the proprietor who shall, on the same date that the spirits are to be transferred, execute on the six copies of Form 236 the description of the tank car to be transferred. He will then return the six copies of the forms to the storekeeper-gauger in charge. When the tank car is released, the key of each seal lock thereon will be forwarded on the day of shipment by the storekeeper-gauger in charge at the transferring warehouse to the storekeeper-gauger in charge at the receiving warehouse. Forms 236 and 1520 will be disposed of in accordance with § 185.310. (Secs. 2875, 3176, I. R. C.)

§ 185.302 *Transfers from storage tanks, in packages or tank cars.* If the spirits designated by the proprietor to be transferred are in storage tanks they will be drawn into packages, gauged, marked, and branded, or run into a weighing tank, gauged, and conveyed by pipe line into a railroad tank car, constructed and marked as hereinafter provided. The storekeeper-gauger will prepare a report of the gauge on an original and five copies of Form 1520, and note on each copy of the form the proof at which the spirits were distilled. The quantity to be transferred shall not exceed the maximum stated in the application. The storekeeper-gauger in charge will give all six copies of Forms 236 and 1520 to the proprietor, who shall, on the same date that the spirits are to be transferred, execute on the six copies of Form 236 the description of the packages or tank cars to be transferred. He will then return the six copies of the forms to the storekeeper-gauger in charge. Forms 236 and 1520 will be disposed of in accordance with § 185.310. (Secs. 2875, 3176, I. R. C.)

§ 185.310 *Storekeeper-gauger's certificate of removal.* Upon removal of the spirits, the storekeeper-gauger will execute his report of inspection or gauge and removal on the six copies of Form 236. Where the application, Form 236, covers spirits in packages or tank car, the storekeeper-gauger will attach one copy of Form 1520 or Form 1619, as the case may be, to each copy of Form 236. Where the application covers spirits in cases, the storekeeper-gauger will attach one copy of Form 1620 to each copy of Form 236. The storekeeper-gauger in charge will retain one copy of each form, furnish one copy of each form to the proprietor of the shipping warehouse, forward one copy of each form to the supervisor-consignor, forward one copy of each form to the proprietor of the receiving warehouse and two copies of each form to the storekeeper-gauger in charge at such warehouse, with a copy of the proprietor's commercial gauge (if any) of packages. Where shipment of packages or cases is made by truck, one of the sets of Forms 236 and 1619, or 1620, for the storekeeper-gauger in charge at the receiving warehouse will be sealed in an envelope addressed to such storekeeper-gauger in charge and handed to the person in charge of the truck for delivery to him. (Secs. 2875, 3170, 3176, I. R. C.)

§ 185.311 *Storekeeper-gauger's receipt of spirits at warehouse.* Upon receipt of the spirits at the receiving warehouse, the storekeeper-gauger will examine the shipment and will ascertain and report losses or discrepancies, as provided in §§ 185.151, 185.152 and 185.153. The proprietor may weigh and take the proof of the spirits, if desired, under the conditions specified in § 185.150. The storekeeper-gauger will execute his certificate of receipt on each copy of Form 236, retain one copy each

of Form 236 and Form 1520, Form 1619, or Form 1620, attached thereto, and forward one copy of each form to the district supervisor. No withdrawal or transfer in bond of spirits received at the warehouse will be made until the two sets of Form 236 and Form 1520, Form 1619 or Form 1620, as the case may be, have been received by the storekeeper-gauger in charge. The storekeeper-gauger will report on Form 1513 the original tax gallons contained in all packages received regardless of any losses in transit. However, any package lost in transit will not be reported on Form 1513 but will be reported by the district supervisor in the warehouse account, Form 1514, for the State in which the receiving warehouse is located, in the manner indicated by the form. (Secs. 2875, 3176, I. R. C.)

TRANSFERS IN BOND BETWEEN INTERNAL REVENUE BONDED WAREHOUSES IN DIFFERENT DISTRICTS

§ 185.312 *Application, Form 236.* Where the transfer is to be made between warehouses in different districts, the proprietor of the receiving warehouse shall execute an application for the transfer of the spirits on Form 236. The applicant shall enter all applicable data indicated by the form including the maximum quantity in tax gallons to be transferred in any one truck, railroad car or other vehicle. He shall prepare an original and six copies of Form 236 and give them to the storekeeper-gauger in charge of the receiving warehouse. (Secs. 2875, 3176, I. R. C.)

§ 185.312a *Certificate of sufficiency of bond.* Upon receipt of Form 236 by the storekeeper-gauger in charge, he will compare the penal sum of the bond as stated in the application with his record furnished by the district supervisor pursuant to § 185.112a. If the warehouse bond is given in the maximum penal sum of $200,000, he will certify to the sufficiency thereof on Form 236, and forward all seven copies of the form direct to the storekeeper-gauger in charge at the shipping warehouse. If the warehouse bond is given in less than the maximum penal sum, the storekeeper-gauger in charge will determine from his records whether the tax liability on the quantity of distilled spirits represented by the Form 236, plus the quantity of distilled spirits stored in the warehouse, plus the quantity represented by all outstanding approved Forms 236, is within the limits of the penal sum of the transportation and warehousing bond. If so, he will certify to the sufficiency of the bond on Form 236, record such certification in his records, and forward all seven copies of the form direct to the storekeeper-gauger in charge at the shipping warehouse. If the transportation and warehousing bond is not sufficient, he will certify to that fact on Form 236 and return all seven copies to the proprietor. All applications on Form 236 will expire ninety days (three calendar months) from the date of the execution of the storekeeper-gauger's certificate of bond coverage: *Provided,* That the supervisor-consignor may authorize an extension of ten days if the proprietor furnishes a sufficient basis for such extension and the definite assurance that shipment will be made within such time. (Secs. 2875, 3176, I. R. C.)

§ 185.312b *Spirits to be transferred.* Upon receipt of Form 236, the storekeeper-gauger in charge at the shipping warehouse will mark one copy "proprietor's copy" and give it to the proprietor. He will file the remaining six copies in his pending file. When the proprietor desires to make shipment, he will return his copy of Form 236 to the storekeeper-gauger in charge and furnish him a complete description of the spirits to be shipped. Where a shipment is not made within the ninety-day period, the proprietor will return his copy of Form 236 to the storekeeper-gauger in charge unless otherwise directed by the supervisor-consignor. In the event he fails to do so, the storekeeper-gauger in charge will advise the proprietor that Form 236 has expired, and request the return of the proprietor's copy, unless otherwise directed by the supervisor-consignor. The storekeeper-gauger in charge will then send all seven copies of Form 236 to the supervisor-consignor for cancellation and return to the storekeeper-gauger in charge at the receiving warehouse for adjustment of his record and return to the applicant. (Secs. 2875, 3176, I. R. C.)

§ 185.312c *Transfers in packages, cases, and tank car.* Spirits in original packages, or in packages filled from warehouse storage tanks, will be transferred in accordance with the provisions of § 185.299, except that an additional copy of Form 1619 will be prepared. Spirits in cases, bottled in bond before tax payment, will be transferred in accordance with the provisions of § 185.300, except that an additional copy of Form 1620 will be prepared. Spirits in a previously filled tank car will be transferred in accordance with the provisions of § 185.301, except that an additional copy of Form 1520 will be prepared. If spirits to be transferred are in storage tanks, they will be drawn into packages or into a tank car and then transferred in accordance with the provisions of § 185.302, except that an additional copy of Form 1520 will be prepared. Forms 236 and 1520, 1619, or 1620 will be disposed of in accordance with § 185.313. (Secs. 2875, 3176, I. R. C.)

§ 185.313 *Storekeeper-gauger's certificate of removal.* Upon removal of the spirits, the storekeeper-gauger will execute his report of inspection or gauge and removal on the seven copies of Form 236. Where the application, Form 236, covers spirits in packages or tank cars, the storekeeper-gauger will attach one copy of Form 1520 or Form 1619, as the case may be, to each copy of Form 236. Where the application covers spirits in cases, the storekeeper-gauger will attach one copy of Form 1620 to each copy of Form 236. The storekeeper-gauger in charge will then retain one copy of each form, furnish one copy of each form to the proprietor of the shipping warehouse, forward one copy of each form to the supervisor-consignor, forward one copy of each form to the proprietor of the receiving warehouse, and three copies of each form to the storekeeper-gauger in charge at such warehouse, with a copy of the proprietor's commercial gauge (if any) of packages. Where shipment of packages is made by truck, one of the sets of Forms 236 and 1619 or 1620, for the storekeeper-gauger in charge at the receiving warehouse will be sealed in an envelope addressed to such storekeeper-gauger in charge and handed to the person in charge of the truck for delivery to him. (Secs. 2875, 3176, I. R. C.)

§ 185.314 *Storekeeper-gauger's receipt of spirits at receiving warehouse.* Upon receipt of the spirits at the receiving warehouse, the storekeeper-gauger will examine the shipment and will ascertain and report losses or discrepancies, as provided in §§ 185.151, 185.152, and 185.153. The proprietor may weigh and take the proof of the spirits, if desired, under the conditions specified in § 185.150. The storekeeper-gauger will execute his certificate of receipt on each copy of Form 236, retain one copy of each Form 236 and Form 1520, Form 1619, or Form 1620 attached thereto and forward two copies of each form to the supervisor of his district. The district supervisor will retain one copy of each form and will forward one copy of each to the supervisor of the district from which the shipment was made. No withdrawal or transfer in bond of spirits received at the warehouse will be made until the three sets of Forms 236 and 1520, 1619 or 1620, as the case may be, have been received by the storekeeper-gauger in charge. The storekeeper-gauger will report on Form 1513 the original tax gallons contained in all packages received regardless of any losses in transit. However, any package lost in transit will not be reported on Form 1513 but will be reported by the supervisor-consignee in the warehouse account, Form 1514, for the State in which the receiving warehouse is located in the manner indicated by the form. (Secs. 2875, 3176, I. R. C.)

EXPORTATION OF DISTILLED SPIRITS FREE OF TAX

BOTTLING FOR TEMPORARY STORAGE BEFORE EXPORTATION

§ 185.366 *Transfer between warehouses.* Whenever it is desired to transfer distilled spirits, which have been bottled in bond for export and which are stored in a bonded warehouse, to another internal revenue bonded warehouse for storage, prior to direct exportation or transportation for export, the proprietor of the receiving warehouse shall execute an application for transfer of the spirits on Form 236. If the transfer is to be made between bonded warehouses in the same district, an original and five copies of Form 236 will be prepared, and if the transfer is to be made between bonded warehouses in different districts, an original and six copies of Form 236 will be prepared. The applicant will enter all applicable data indicated by the form, and will also enter thereon the statement, "To be received and deposited for storage for export." The Forms 236 will be filed and disposed of in accordance

with §§ 185.298 or 185.312, as the case may be. The cases will be inspected, transferred, received, examined, and reported in the manner provided by §§ 185.297 to 185.314, inclusive, insofar as they relate to the transfer of spirits bottled in bond before tax payment. (Secs. 2875, 3176, I. R. C.)

STOREKEEPER-GAUGER'S FILES AND RECORDS

§ 185.471 *Filing of withdrawal forms and applications.* The copies of the reports of the withdrawal gauge, Form 1520, or the reports of removal for transfer in bond, Form 1619 or Form 1620, as the case may be, retained by the storekeeper-gauger will be filed separately, in chronological order, according to the date of withdrawal noted at the bottom of the forms. The storekeeper-gauger's copies of withdrawal applications, Forms 179, 206, 236, 257, 543, 573, 655, 1518, and 1519, and 1685, may be filed together or separately by form number, in chronological order in the same manner as the withdrawal forms. The withdrawal reports and applications for each month will be separated in the file by proper markers, and each file will be appropriately marked to show the kind of forms contained therein and the period covered thereby. (Secs. 2801 (e) (5), 3176, I. R. C.)

CONCERNING LOCKS AND SEALS

§ 185.494 *Storekeeper-gauger's record of cap and lock seals.* A record of cap and lock seals received and used at each internal revenue bonded warehouse will be kept by storekeeper-gaugers on Form 289, "Storekeeper-gauger's Record and Report of Government Property," in accordance with the titles of the columns and lines and the instructions on the form. Form 289 will be kept in the Government cabinet when not in use. (Sec. 3176, I. R. C.)

§ 185.495 *Storekeeper-gauger's report of Government property.* On or before the fifth day of the month succeeding that for which the transactions are reported, the storekeeper-gauger will prepare a monthly report on Form 289, "Storekeeper-gauger's Record and Report of Government Property," of all Government property at the warehouse. Form 289 will be prepared, in duplicate, in accordance with the titles of the columns and lines and the instructions on the form. He will forward the original to the district supervisor and retain the copy for his files. (Sec. 3176, I. R. C.)

2. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

(Secs. 2801 (e) (5), 2875, 2879, 3170, 3176, Internal Revenue Code, 26 U. S. C., 2801 (e) (5), 2875, 2879, 3170, 3176)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner.

Approved: February 4, 1948.

A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 48-1206; Filed, Feb. 9, 1948; 9:51 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter IV—Coast Guard: Navigational Aids

[CGFR 48-4]

PART 403—LIGHTING OF BRIDGES

By virtue of the authority vested in me by 34 Stat. 85, as amended, 36 Stat. 538, as amended (33 U. S. C. 494, 720), and Reorganization Plan No. II, effective July 1, 1939 (53 Stat. 1431), § 403.2 (33 CFR, 1946 Supp.) is amended by the addition of the following note at the end thereof:

§ 403.2 *Lights on fixed bridges*—(a) *Single span high bridges.* * * *

NOTE: Until such time that existing mid-channel bridge navigation lights colored green and marking the center of the navigable channel under fixed bridges are repaired or replaced, it is permitted that these lights continue to show upstream and downstream on the axis of the channel. On and after repair or replacement of such existing mid-channel lights are made, they shall be colored green and placed to show through 360° in accordance with the above.

Dated: February 3, 1948.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 48-1174; Filed, Feb. 9, 1948; 8:46 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter X—National Park Service, Department of the Interior

PART 12—PRIVATE LANDS SUBJECT TO EXCLUSIVE JURISDICTION OF THE UNITED STATES

INTOXICATING LIQUORS

On October 24, 1947, notice of proposed rule making was published in the FEDERAL REGISTER (12 F. R. 6927) concerning the proposal to amend Part 12 of the rules and regulations of the National Park Service by adding a new section under which the sale of intoxicating liquors on privately-owned lands within the national parks over which the United States exercises exclusive jurisdiction may be regulated. After due consideration of all relevant matters presented in regard to the proposed amendment, it has been determined that the proposed action is necessary and appropriate in the public interest and for the better administration of the national parks for the purposes for which they were established. Therefore, the following amendment is hereby promulgated under authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535, 16 U. S. C. 3):

Part 12 is amended by adding a new § 12.8 reading as follows:

§ 12.8 *Intoxicating liquors.* (a) No alcoholic, spirituous, vinous, or fermented liquor, containing more than one per cent of alcohol by weight, shall be sold on any privately-owned lands within any of the national parks listed in § 12.1 unless a permit for the sale thereof has first been secured from the appropriate regional director as designated in §§ 01.30 and 01.82 of this chapter.

(b) In granting or refusing applications for permits as herein provided, the regional directors shall take into consideration (1) the character of the neighborhood, (2) the availability of other liquor-dispensing facilities, (3) the local laws governing the sale of liquor, and (4) any other local factors which, in their judgment, have a relationship to the privilege requested.

(c) A fee will be charged for the issuance of such a permit, corresponding to that charged for the exercise of similar privileges outside the national park boundaries by the local State Government, or appropriate political subdivision thereof within whose exterior boundaries the place covered by the permit is situated.

(d) The applicant or permittee may appeal to the Director, National Park Service, from any final action of the appropriate regional director as designated in §§ 01.30 and 01.82 of this chapter, refusing, conditioning or revoking the permit. Such an appeal, in writing, shall be filed within twenty days after receipt of notice by the applicant or permittee of the action appealed from. Any final decision of the Director may be appealed to the Secretary of the Interior within 15 days after receipt of notice by the applicant or permittee of the Director's decision.

(e) The revocable permit for sale of intoxicating liquors authorized in this section to be issued by the appropriate regional director as designated in §§ 01.30 and 01.82 of this chapter shall contain general regulatory provisions as hereinafter set forth, and will include such special conditions as the regional director may deem necessary to cover existing local circumstances, and shall be in a form substantially as follows:

FRONT OF PERMIT

No. _____ Form No. _____
Year 19____ (_____, 1948)

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

REVOCABLE PERMIT FOR SALE OF INTOXICATING LIQUORS ON PRIVATELY OWNED LANDS

Permission is hereby granted _____ of _____, during the period from _____, 19____, to _____, 19____, inclusive, to sell the following mentioned intoxicating liquors _____ within (an established place of business) (a place of business to be established) (strike out one) on the following described privately owned lands within _____ National Park, over which the United States exercises exclusive jurisdiction_____
_____
_____
subject to the general provisions and any special conditions stated on the reverse hereof and subject also to the payment to the Government of the United States of the sum of _____ dollars ($_____)
_____
(annually) (quarterly) (monthly) in advance, payment to be made through the Superintendent of the Park. Payment shall be tendered by money order, check or draft payable to the Treasurer, United States of America. Payment shall not be considered as made until the funds are collected by the United States.

Issued at _____, this _____day of _____, 19____.

_____
Superintendent.

The undersigned hereby accepts the above permit subject to the terms, covenants, obligations, and reservations expressed or implied therein, with the understanding that this permit shall not be valid until approved by the appropriate regional director as designated in §§ 01.30 and 01.82, Part 01, Chapter I, Title 36, Code of Federal Regulations.

[1] _____
Address: _____
_____
Address: _____
Two witnesses to signature(s):
_____
Address: _____
_____
Address: _____
Approved:
_____
Regional Director, Region _____

REVERSE OF PERMIT

GENERAL REGULATORY PROVISIONS OF THIS PERMIT

1. Permittee shall exercise this privilege subject to the supervision of the Superintendent of the Park and shall comply with the regulations of the Secretary of the Interior governing the Park.

2. Any building or structure used for the purpose of conducting the business herein permitted shall be kept in a safe, sanitary and sightly condition.

3. Permittee shall dispose of brush and other refuse from the business herein permitted as required by the Superintendent.

4. Permittee shall pay to the United States for any damage resulting to Government-owned property from the operation of the business herein permitted.

5. Permittee, his agents, and employees shall take all reasonable precautions to prevent forest fires and shall assist the Superintendent to extinguish forest fires within the vicinity of the place of business herein permitted, and in the preservation of good order within the vicinity of the business operations herein permitted.

6. Failure of the permittee to comply with all State and county laws and ordinances applicable to the sale of intoxicating liquors, except provisions requiring payment of license fees, or to comply with any law or any regulations of the Secretary of the Interior governing the Park, or with the conditions imposed by this permit, will be ground for revocation of this permit. The permit may be revoked by the regional director at any time in his discretion.

7. No minor may be employed by the permittee in the sale or dispensing of intoxicating liquors permitted under this permit.

8. No intoxicating liquors shall be sold to a minor.

9. No disorderly conduct shall be permitted on the premises.

10. This permit may not be transferred or assigned without the consent, in writing, of the appropriate regional director as designated in §§ 01.30 and 01.82, Part 01, Chapter I, Title 36, Code of Federal Regulations.

11. Neither members of, nor delegates to Congress, or Resident Commissioners, officers, agents, or employees of the Department of the Interior shall be admitted to any share or part of this permit or derive, directly or indirectly, any pecuniary benefit arising therefrom.

12. The following special provisions are made a part of this Permit:

(a)

[1] Sign name or names as written in body of permit; for copartnership permittees should sign as "Members of firm"; for corporation, the officer authorized to execute contracts, etc., should sign, with title, the sufficiency of such signature being attested by the secretary, with corporate seal, in lieu of witnesses.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

The foregoing section shall become effective upon publication thereof in the FEDERAL REGISTER.

Issued this 26th day of January 1948.

[SEAL] OSCAR L. CHAPMAN,
Under Secretary of the Interior.

[F. R. Doc. 48-1170; Filed, Feb. 9, 1948; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

UNITED STATES GOVERNMENT TELEGRAPH COMMUNICATIONS

ORDER FIXING RATES

In the matter of charges for United States Government telegraph communications.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of January 1948;

The Commission, having under consideration its Order No. 137 (12 F. R. 3669), dated May 28, 1947, concerning rates and charges for United States Government telegraph communications; and having also under consideration the Act of July 16, 1947 (Pub. Law 193, 80th Cong., 61 Stat. 327), repealing the Post Roads Act of 1866, as amended, and the Commission's reports and orders of October 23 and December 18, 1947, in Docket No. 8477, In the matter of Charges for United States Government Domestic Telegraph Communications;

It appearing, that the aforesaid Order No. 137 in part relates to the rates and charges for United States Government telegraph communications prescribed pursuant to the Post Roads Act of 1866, as amended, and that subsequent to the repeal of that act, tariff schedules proposing the elimination of the United States Government rate differential for "domestic" telegraph communications were filed with this Commission and were permitted to become effective pursuant to the proceedings had in Docket No. 8477;

It further appearing, that the aforesaid Order No. 137 in part relates to the rates and charges for United States Government telegraph communications transmitted by any carrier or carriers subject to the terms of a permit or license granted by the President of the United States giving the Postmaster General authority to fix such rates and charges, which said authority was transferred to the Commission under section 601 (b) of the Communications Act of 1934, as amended;

It further appearing, that since Order No. 137 is already in effect, and the order herein adopted merely continues in effect the rates, charges, regulations and practices set forth in Order No. 137, so far as the same are consonant with the repeal of the Post Roads Act and the Commission's reports and orders adopted after public hearings in Docket No. 8477, the Commission finds that the order herein adopted should be effective immediately;

It is ordered, That the above Order No. 137 is rescinded and cancelled;

It is further ordered, Pursuant to the provisions of the permits or licenses referred to above, and to section 601 (b) of the Communications Act of 1924, as amended:

1. That the rates and charges for telegraph communications between the several departments of the Government and their officers, relating exclusively to the public business between points in the United States and points in possessions of the United States, between points in different possessions, and between points in the United States including such possessions and points in foreign countries and ships at sea, transmitted by any carrier or carriers subject to the terms of a permit or license granted by the President of the United States giving the Postmaster General authority to fix rates for Government communications by telegraph (such a carrier being hereinafter called a domestic carrier) shall, between all points embraced within the scope of such permit or license, not exceed fifty (50) per centum of the full ordinary charges applicable to commercial communications of the same length and between the same points, except that charges for Government code messages shall not exceed fifty (50) per centum of the charges for like commercial code messages, subject to the following: (a) in cases where Government messages are transmitted between any of such points in part over the facilities of any domestic carrier and in part over the facilities of any other carrier, or administration (hereinafter caller a foreign carrier), the charges for Government communications shall not exceed the amounts derived by applying the percentages specified herein to the full portion of the commercial charges accruing to the domestic carriers, plus the charges actually made for United States Government communications by foreign carriers; (b) the charges for Government ordinary messages between the following named points, shall be:

	Per word
Between Fisherman's Point, Guantanamo Bay, Cuba and Canal Zone	$0.09
Between Limon, San Jose, and Puntarenas, C. R., and Canal Zone	0.075

and the charges for Government code messages between the foregoing points shall be 60 per centum of the charges above specified for Government ordinary messages; and (c) with respect to Government messages to and from ships at sea the percentages specified shall not apply to the coastal station and ship station charges.

2. That if any new service shall be established, a supplementary order may be issued fixing the Government charge for such service.

3. That in no case shall the charge for a Government message to which this order applies exceed the charge for a corresponding commercial message; nor shall the portion of the through charges accruing to the domestic carriers for United States Government communica-

tions exceed the portion accruing to such carriers for like communications of any foreign government between the same points.

4. That in cases where the charge for a Government message, as determined herein, shall include a fraction of a cent, such fraction, if less than one-half, shall be disregarded, if one-half or more, it shall be counted as one cent; except that the charge for Government code messages shall be rounded up to the next higher half cent, if the fraction be less than one-half and to a full cent, if the fraction be more than one-half.

5. That every Government message to which this order applies shall have priority over all other messages of the same classification, and every Government ordinary message and code message shall also have priority over all other messages regardless of the classification; and every Government message shall, unless otherwise provided herein, be subject to the classifications, practices and regulations applicable to the corresponding commercial communications.

6. That every domestic carrier which is subject to the Communications Act of 1934, shall immediately file with this Commission all schedules of charges applicable to Government communications established pursuant to this order, said schedules to be filed in full compliance with the requirements of section 203 of the Communications Act of 1934, and with Part 61 of the Commission's rules and regulations (Title 47—Telecommunications—Chapter I), to be constructed in such manner and form that the full charges for all Government messages for origins to destinations can be exactly and readily ascertained therefrom: *Provided, however,* That in cases where charges in excess of those herein prescribed are collected because of conditions over which domestic carriers have no control such charges shall be shown in the schedules but the excess shall be refunded to the United States Government.

7. That in every case where any schedule containing charges applicable to commercial messages shall be changed, or the charges made by any foreign carrier shall be changed, the schedule containing the charges applicable to Government messages shall be correspondingly changed, effective on the same date.

8. That nothing herein contained shall apply to charges fixed by agreement between any department of the United States Government and the companies performing the service if such agreement be authorized in any statute of the United States.

9. That nothing herein contained shall be construed to give Government messages priority over radio communications or signals which are given a higher priority under section 321 (b) of the Communications Act of 1934, as amended; or under Article 26 of the General Radio Regulations (Cairo Revision, 1938) Annexed to the International Telecommunications Convention (Madrid, 1932).

It is further ordered, That this order shall become effective immediately, and that the provisions in the second ordering paragraph hereof, specifically subparagraphs numbered 1 through 9 shall continue in effect until June 30, 1948, inclusive, unless changed by order of the Commission.

Released: January 30, 1948.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-1178; Filed, Feb. 9, 1948; 9:50 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 776, Amdt.1]

PART 95—CAR SERVICE

CAR DEMURRAGE ON STATE BELT RAILROAD OF CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of February A. D. 1948.

Upon further consideration of Service Order No. 776 (12 F. R. 6766), and good cause appearing therefor: *It is ordered,* That:

Section 95.776 *Car demurrage on State Belt Railroad of California* of Service Order 776, until further order, be and it is hereby suspended in part on all cars, as follows:

Only the demurrage charges of $11 per car per day and $16.50 per car per day or a fraction of a day are suspended.

It is further ordered, That this amendment shall become effective at 7:00 a. m., February 5, 1948, and a copy be served upon the California State Railroad Commission and upon the State Belt Railroad of California; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1 (10)-17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 48-1175; Filed, Feb. 9, 1948; 8:46 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 674 et al.]

MIDDLE ATLANTIC AREA CASE (TRUNKLINE PITTSBURGH SERVICE)

NOTICE OF REARGUMENT

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that reargument for the purpose of reconsideration of the Board's opinion and order of September 30, 1947 (Order Serial No. E-862), insofar as said opinion and order denied that portion of Eastern Airlines' application in Docket No. 1959, proposing trunkline service to Pittsburgh, Pa., by the addition of Pittsburgh as an intermediate point on the Detroit-Miami segment of route No. 6 of Eastern, is assigned to be held on February 18, 1948, at 10:00 a. m., eastern standard time, in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., February 4, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48-1203; Filed, Feb. 9, 1948; 9:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7053, 7054]

SOUTHEASTERN MASSACHUSETTS BROADCASTING CORP. AND BAY STATE BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Southeastern Massachusetts Broadcasting Corporation, New Bedford, Massachusetts, Docket No. 7053, File No. BP-4185; Bay State Broadcasting Company, New Bedford, Massachusetts, Docket No. 7054, File No. BP-4201; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 31st day of January 1948;

The Commission having under consideration the above-entitled applications each requesting a construction permit for a new standard broadcast station to operate on the frequency 1230 kc, with 100 w power, unlimited time, in New Bedford, Massachusetts;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availablility of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-1190; Filed, Feb. 9, 1948; 8:48 a. m.]

[Docket Nos. 8033, 8034]

ORAL J. WILKINSON AND WEBER COUNTY SERVICE CO.

CORRECTED ORDER CONTINUING HEARING

In re applications of Oral J. Wilkinson, Murray, Utah, Docket No. 8033, File No. BP-5392; G. Stanley Brewer, d/b as Weber County Service Company, Ogden, Utah, Docket No. 8034, File No. BP-5462; for construction permits.

Whereas, the consolidated proceeding on the above-entitled applications is presently scheduled to be heard on February 2 and 3, 1948, at Murray, Utah, and Ogden, Utah, respectively; and

Whereas, continuance of the said consolidated hearing to February 26 and 27, 1948, at Murray, Utah, and Ogden, Utah, respectively, would conduce to economical and efficient utilization of the Commission's personnel;

It is ordered, This 12th day of January, 1948, that the said consolidated hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Thursday, February 26, 1948, at Salt Lake City, Utah, and Friday, February 27, 1948, at Ogden, Utah.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-1182; Filed, Feb. 9, 1948; 8:47 a. m.]

[Docket Nos. 8121, 8122, 8764]

PETALUMA BROADCASTERS ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Howard R. Elvey, Forrest W. Hughes, Raymond W. Mort, Harold A. Sparks, and John E. Striker, d/b as Petaluma Broadcasters, Petaluma, California, Docket No. 8121, File No. BP-5501; Walter L. Read, Petaluma, California, Docket No. 8122, File No. BP-5762; Joseph L. Berryhill, James L. Smith and Arnold C. Werner, a partnership, d/b as Pacific States Radio Engineering, Pittsburg, California, Docket No. 8764, File No. BP-5753; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 31st day of January 1948;

The Commission having under consideration the above-entitled application of Joseph L. Berryhill et al., requesting a construction permit for a new standard broadcast station to operate on the frequency 1490 kc, with 250 w power, unlimited time, in Pittsburg, California, and applicant's petition requesting that its said application be designated for hearing in the above-entitled consolidated proceeding; and

It appearing, that the Commission on February 20, 1947, designated for hearing in a consolidated proceeding the applications of Howard R. Elvey et al. (File No. BP-5501, Docket No. 8121) and Walter L. Read (File No. BP-5762, Docket No. 8122) each requesting a construction permit for a new standard broadcast station to operate on the frequency 1490 kc, with 250 w power, unlimited time, in Petaluma, California, and hearing having been scheduled for February 16 and 17, 1948, at Petaluma, California;

It is ordered, That the aforesaid petition of Joseph L. Berryhill, et al, be, and it is hereby, granted and that pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Joseph L. Berryhill et al. be, and it is hereby, designated for hearing in the above consolidated proceeding, the hearing thereon to be held February 18, 1948 at Pittsburg, California, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the other applications in this proceeding or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order of February 20, 1947, designating the applications of Howard R. Elvey, et al., and Walter L. Read for hearing in a consolidated proceeding, be, and it is hereby, amended to include the said application of Joseph L. Berryhill, et al., and to change the appropriate wording in issue No. 7 to read "if any".

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-1192; Filed, Feb. 9, 1948; 8:48 a. m.]

[Docket No. 8161]

FREQUENCY BROADCASTING SYSTEM, INC.

ORDER CONTINUING HEARING

In re application of Frequency Broadcasting System, Incorporated, Shreveport, Louisiana, for construction permit; Docket No. 8161, File No. BP-5277.

The Commission having under consideration a petition filed January 23, 1948, by Frequency Broadcasting System, Incorporated, Shreveport, Louisiana, requesting a 60-day continuance of the hearing scheduled for February 2, 1948, at Shreveport, Louisiana, on its above-entitled application for construction permit;

It appearing, that counsel for petitioner has consented to the continuance of the said hearing to April 1, 1948, at Washington, D. C.;

It is ordered, This 29th day of January, 1948, that the petition be, and it is hereby, granted; and that the said hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Thursday, April 1, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-1179; Filed, Feb. 9, 1948; 8:46 a. m.]

[Docket No. 8409]

PARISH BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of Parish Broadcasting Corporation, Minden, Louisiana, for

construction permit; Docket No. 8409, File No. BP-5749.

The Commission having under consideration a petition filed January 23, 1948, by Parish Broadcasting Corporation, Minden, Louisiana, requesting a 60-day continuance of the hearing now scheduled for February 3, 1948, at Minden, Louisiana, on its above-entitled application for construction permit;

It appearing, that counsel for petitioner has consented to continuance of the said hearing on the above-entitled application to April 2, 1948, at Washington, D. C.;

It is ordered, This 29th day of January, 1948, that the petition be, and it is hereby, granted; and that the said hearing on the above-entitled application be, and it is hereby, continued, to 10:00 a. m., Friday, April 2, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-1181; Filed, Feb. 9, 1948; 8:47 a. m.]

[Docket Nos. 8621-8623, 8625, 8760]

TRAVELERS BROADCASTING SERVICE CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of The Travelers Broadcasting Service Corporation, Hartford, Connecticut, Docket No. 8621, File No. BPCT-193; The Connecticut Broadcasting Company, Hartford, Connecticut, Docket No. 8622, File No. BPCT-195; The Yankee Network, Inc., Hartford, Connecticut, Docket No. 8623, File No. BPCT-198; The New Britain Broadcasting Company, Hartford, Connecticut, Docket No. 8625, File No. BPCT-208; The Hartford Times, Inc., Hartford, Connecticut, Docket No. 8760, File No. BPCT-273; for construction permits for Commercial Television Stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of January 1948;

The Commission having under consideration the above-entitled applications for construction permits for television stations at Hartford, Connecticut;

It appearing, that on November 6, 1947, the applications for television broadcast stations for the Hartford-New Britain metropolitan district exceeded the number of television channels allocated to said district under § 3.606 of the Commission's rules and regulations and that on the same date the Commission designated said applications for hearing in a consolidated proceeding, i. e., The Travelers Broadcasting Service Corporation (File No. BPCT-193), The Connecticut Broadcasting Company (File No. BPCT-195), The Yankee Network, Inc. (File No. BPCT-198) and The New Britain Broadcasting Company (File No. BPCT-208); and

It further appearing, that subsequent to November 6, 1947, the Commission ordered that the consolidated hearing on the applications for television stations in the Hartford-New Britain metropolitan area begin February 16, 1948, at 10:00 a. m. at Hartford, Connecticut.

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above application of The Hartford Times, Inc. (File No. BPCT-273) is designated for hearing in a consolidated proceeding with the other above-entitled applications for television stations in the Hartford-New Britain metropolitan area, the hearing beginning at 10:00 a. m. on February 16, 1948 at Hartford, Connecticut, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant to operate and construct the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

4. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-1188; Filed, Feb. 9, 1948; 8:48 a. m.]

[Docket No. 8710]

EMPORIA BROADCASTING CO. INC (KTSW)

ORDER CONTINUING HEARING

In the matter of Emporia Broadcasting Company, Inc. (KTSW), Emporia Kansas, for order to show cause; Docket No. 8710.

The Commission having under consideration a petition filed January 21, 1948, by Emporia Broadcasting Company, Inc. (KTSW), Emporia, Kansas, requesting a 60-day continuance of the hearing now scheduled for February 2, 1948, at Washington, D. C., in the above-entitled proceeding on an order to show cause whether petitioner has violated certain provisions of the Commission's Act of 1934, as amended, and the Commission's rules and regulations;

It appearing, that the date, March 24, 1948, would better suit the convenience of the Commission that a date 60 days from February 2, 1948;

It is ordered, This 29th day of January, 1948, that the petition be, and it is hereby, granted in part; and that the said hearing on the above-entitled matter be, and it is hereby, continued to 10:00, a. m., Wednesday, March 24, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-1180; Filed, Feb. 9, 1948; 8:47 a. m.]

[Docket No. 8751]

FACSIMILE BROADCASTING

NOTICE OF HEARING

In the matter of promulgation of rules and transmission standards concerning facsimile broadcasting.

1. Notice is hereby given that a hearing will be held on March 15, 1948 in Washington, D. C. before the Commission en blanc in the above entitled matter for the purpose of obtaining information regarding facsimile broadcasting and determining the issues set forth below.

2. Facsimile broadcasting has been permitted in the FM broadcast band (88 to 108 mc.) under certain conditions specified in § 3.266 of the Commission's rules and regulations, adopted September 12, 1945, and in addition frequencies have been allocated for use of facsimile broadcasting in the 470 to 500 mc. band. The Commission has deferred promulgation of transmission standards and rules concerning facsimile broadcasting until such time as data should become available to permit the promulgation of standards and rules upon full and sufficient information which would enable the Commission to determine that facsimile broadcasting on a regular basis would serve the public interest. Intermittent facsimile broadcasting has been conducted recently by several stations under experimental authorizations in the FM broadcast band, and sufficient data may now be available to provide information necessary for further consideration of this matter.

3. Alden Products Company, Finch Telecommunications, Inc., Radio Inventions, Inc. and Faximile, Inc. have requested the Commission to promulgate, with certain exceptions, certain facsimile transmission standards proposed by the Radio Technical Planning Board (Panel 7). The standards proposed would provide for the use of both 8.2 inch and 4.1 inch width recorders operating at the same linear rate of 105 lines per inch. It is desirable that the Commission be fully informed as to the status of facsimile broadcasting, and more particularly as to the matters set forth below, prior to reaching a determination that transmission standards should be promulgated for this service.

4. Authority for the issuance of rules and standards pertaining to the above matters is contained in sections 301 and 303 (b), (c), (e), (f), (g), and (r) of the Communications Act of 1934, as amended.

5. The said hearing will be held upon the following issues:

(a) To obtain full information concerning existing or proposed methods or systems of facsimile broadcasting.

(b) To obtain full information concerning the present and expected availability of facsimile transmitting and receiving equipment.

(c) To obtain full information concerning any technical data obtained in experimental operations conducted in facsimile broadcasting.

(d) To obtain full information concerning any non-technical data obtained in experimental operations conducted in

facsimile broadcasting, or otherwise available, including public demand for the service, public needs and desires in facsimile programs, appropriate uses for the service, commercial feasibility of the service, and public preference with regard to recorder widths, speed of transmission and degree of definition.

(e) To obtain full information concerning the plans or proposals of interested persons which look toward the establishment of facsimile broadcasting on a commercial basis.

(f) To obtain full information concerning the development and status of multiplex facsimile with aural FM broadcasting.

(g) To obtain full information concerning experimental facsimile development, conducted or planned, in the 470 to 500 mc. band.

(h) To obtain full information concerning transmission standards for facsimile broadcasting proposed by any interested persons.

(i) To determine what effect, if any, the authorization of facsimile broadcasting on a simplex basis in the 88 to 108 mc. band would have upon the development of aural FM broadcasting.

(j) To determine whether transmission standards for facsimile broadcasting should be proposed at the present time, and, if so, whether such standards should provide for use of a single width recorder, or more than one width recorders, and what width or widths should be used.

(k) To determine, in the light of the evidence adduced on the foregoing issues, what rules, if any, should be promulgated concerning facsimile broadcasting.

6. Any interested persons desiring to appear and submit evidence at the hearing shall file a notice of appearance with the Commission on or before March 1, 1948. Such persons, and any other interested persons desiring to comment on the matters set forth in the above issues, may file a brief or written statement with the Commission on or before March 1, 1948. Fifteen copies of each notice of appearance, brief or written statement should be filed as required by § 1.764 of the Commission's rules and regulations.

Adopted: January 30, 1948.

Released: February 2, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1177; Filed, Feb. 9, 1948; 8:46 a. m.]

[Docket No. 8755]

MINNESOTA VALLEY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Minnesota Valley Broadcasting Company, Mankato, Minnesota, for construction permit, Docket No. 8755, File No. BP-6095.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 31st day of January 1948;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on the frequency 1420 kc, with 1 kw power, unlimited time with directional antenna at night, at Mankato, Minnesota;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcasting stations or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to those areas and populations within the proposed station's normally protected contours which would be affected by interference.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1191; Filed, Feb. 9, 1948; 8:48 a. m.]

[Docket No. 8756]

RAYTHEON MANUFACTURING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Raytheon Manufacturing Company, Waltham, Massachusetts, for extension of completion date for construction permit for television broadcast station WRTB, Waltham, Massachusetts; Docket No. 8756, File No. BMPCT-142.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of January 1948;

The Commission having under consideration the above-entitled application of Raytheon Manufacturing Company (File No. BMPCT-142) for extension of time to complete construction of television broadcast station WRTB, Waltham, Massachusetts; and

It appearing, that on May 16, 1946, the Commission granted the Raytheon Manufacturing Company a construction permit for a television broadcast station at Waltham, Massachusetts (File No. B1-PCT-102); and

It further appearing, that the construction of the television broadcast station authorized on May 16, 1946, has not been completed, and the Commission being fully advised in the matter;

It is ordered, That pursuant to sections 309 and 319 of the Communications Act of 1934, as amended, the above-entitled application (File No. BMPCT-142) be, and it is hereby, designated for hearing at a time and place to be designated by the Commission upon the following issues:

1. To determine whether the Raytheon Manufacturing Company has been diligent in proceeding with the construction of the television station at Waltham, Massachusetts, authorized by the construction permit granted May 16, 1946—File No. B1-PCT-102.

2. To determine whether it would be in the public convenience, interest or necessity to grant the application of Raytheon Manufacturing Company, File No. BMPCT-142, for extension of time to construct a television broadcast station at Waltham, Massachusetts, authorized by the Commission on May 16, 1946—File No. B1-PCT-102.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1186; Filed, Feb. 9, 1948; 8:47 a. m.]

[Docket No. 8757]

KING-TRENDLE BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of King-Trendle Broadcasting Corporation, Detroit, Michigan, for extension of completion date for construction permit for television broadcast station WDLT, Detroit, Mich., Docket No. 8757, File No. BMPCT-135.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of January 1948;

The Commission having under consideration the above-entitled application of King-Trendle Broadcasting Corporation (File No. BMPCT-135) for extension of time to complete construction of television broadcast station WDLT, Detroit, Michigan; and

It appearing, that on July 11, 1946, the Commission granted the King-Trendle Manufacturing Company a construction permit for a television broadcast station at Detroit, Michigan (File No. B2-PCT-45); and

It further appearing, that the construction of the television broadcast station authorized on July 11, 1946 has not been completed, and the Commission being fully advised in the matter;

It is ordered; That pursuant to sections 309 and 319 of the Communications

Act of 1934, as amended, the above-entitled application (File No. BMPCT-135) be, and it is hereby, designated for hearing at a time and place to be designated by the Commission upon the following issues:

1. To determine whether the King-Trendle Broadcasting Corporation has been diligent in proceeding with the construction of the television station at Detroit, Michigan, authorized by the construction permit granted July 11, 1946—File No. B2-PCT-45.

2. To determine whether it would be in the public convenience, interest or necessity to grant the application of King-Trendle Broadcasting Corporation, File No. BMPCT-135, for extension of time to construct a television broadcast station at Detroit, Michigan, authorized by the Commission on July 11, 1946—File No. B2-PCT-45.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1185; Filed, Feb. 9, 1948; 8:47 a. m.]

[Docket Nos. 8758, 8759]

GEORGE F. HADDICAN AND RADIO DELANO

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of George F. Haddican, Delano, California, Docket No. 8758, File No. BP-5410; N. Pratt Smith, Leland E. Ashton, George Ames, Millard J. Kessler, Ollan R. Kessler, Merling M. Taggert and Harold W. Marshall, a partnership d/b as Radio Delano, Delano, California, Docket No. 8759, File No. BP-6522; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 31st day of January 1948;

The Commission having under consideration the above-entitled applications of George F. Haddican requesting a construction permit for a new standard broadcast station to operate on the frequency 1340 kc, with 250 w power, unlimited time in Delano, California, contingent upon a grant of Station KFRE's application to change operating assignment; and that of N. Pratt Smith, et al. requesting a construction permit for a new standard broadcast station to operate on the frequency 1350 kc, with 1 kw power, daytime only, in Delano, California;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of George F. Haddican and of the applicant partnership and the partners to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference each with the other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1189; Filed, Feb. 9, 1948; 8:48 a. m.]

[Docket Nos. 8761, 8762]

VINDICATOR PRINTING CO. AND WKBN BROADCASTING CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Vindicator Printing Company, Youngstown, Ohio, Docket No. 8761, File No. BPCT-259; WKBN Broadcasting Corporation, Youngstown, Ohio, Docket No. 8762, File No. BPCT-275; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of January 1948;

The Commission having under consideration the above applications of Vindicator Printing Company (File No. BPCT-259) and WKBN Broadcasting Corporation (File No. BPCT-275) each requesting a construction permit for a television station at Youngstown, Ohio, for unlimited time operation; and

It appearing, that the above-entitled applications are mutually exclusive because under § 3.606 of the Commission's rules and regulations but one television channel is allocated to the Youngstown metropolitan district area;

It is ordered, That pursuant to section 309 (a) of the Communications Act, as amended, the above-entitled applications are hereby designated for hearing in a consolidated proceeding at a time and place to be designated by the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant to operate and construct the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

4. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1187; Filed, Feb. 9, 1948; 8:48 a. m.]

[Docket No. 8763]

RCA COMMUNICATIONS, INC.

ORDER INSTITUTING INVESTIGATION AND SETTING HEARING DATE

In the matter of RCA Communications, Inc., free transmission of routing instructions for reply messages.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 30th day of January 1948;

It appearing, that on December 26, 1947, RCA Communications, Inc., filed revised tariff schedules with the Commission, effective February 1, 1948, applicable to the transmission of routing instructions for reply messages within the text of telegraph messages between the United States and foreign and overseas points, said tariff schedules being designated as follows:

RCA COMMUNICATIONS, INC.

Tariff F. C. C. No. 39
Original Page No. 4A

Tariff F. C. C. No. 53
First Revised Page No. 55

It further appearing, that said tariff schedules may result in unjust and unreasonable charges, practices, classifications and regulations for and in connection with telegraph communication service between the United States and foreign and overseas points in contravention of section 201 (b) of the Communications Act of 1934, as amended, in that the above-cited tariff schedules provide for the transmission of such routing instructions without charge to the customer, and in that the inclusion of such instructions in the text of such messages may require increased payouts by RCA Communications, Inc., thus unduly decreasing participation of RCA Communications, Inc. in the tolls from such telegraph messages, and unduly decreasing the revenues of said carrier; that said tariff schedules may be otherwise unlawful under the provisions of the Communications Act; and that the rights and interest of the public may be injuriously affected thereby; and it being the opinion of the Commission that the effective date of the above-cited revised tariff schedules

should be postponed pending hearing and decision concerning the lawfulness of such tariff schedules;

It is ordered, That pursuant to sections 204 and 205 of the Communications Act of 1934, as amended, the Commission, upon its own motion and without formal pleading, shall enter upon a hearing concerning the lawfulness of the above-cited tariff schedules;

It is further ordered, That pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the above-cited tariff schedules is suspended until May 1, 1948, unless otherwise ordered by the Commission; and that during said period of suspension, no changes shall be made in such tariff schedules or in the tariff schedules sought to be altered thereby, unless authorized by special permission of the Commission;

It is further ordered, That pursuant to sections 204, 205 and 403 of the Communications Act of 1934, as amended, an investigation is instituted into the matter of the transmission by RCA Communications, Inc. of routing instructions for reply messages without charge therefor to the customer, in order to determine the lawfulness thereof under the provisions of the Communications Act of 1934, as amended;

It is further ordered, That a copy of this order be filed in the offices of the Federal Communications Commission with said revised tariff schedules herein suspended; that RCA Communications, Inc. is made a party respondent to this proceeding; and that a copy hereof be served thereon;

It is further ordered, That all common carriers engaged in foreign communication subject to the Communications Act of 1934, as amended, may intervene and participate in the proceeding herein by filing with the Commission notice of intention to do so not later than February 20, 1948;

It is further ordered, That the proceeding herein is assigned for hearing on the 2nd day of March, 1948, beginning at 10:00 a. m. at the offices of the Federal Communications Commission in Washington, D. C.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1184; Filed, Feb. 9, 1948; 8:47 a. m.]

FM BROADCAST STATION LICENSE APPLICATIONS

FEBRUARY 2, 1948.

In connection with the issuance of licenses to cover construction permits for FM broadcast stations, the Commission makes the following explanatory statement:

License applications may not be filed until (1) construction has been completed in exact accordance with the terms of the construction permit, and (2) equipment tests have been completed (§ 3.216 of the Commission's rules) or interim operation has been conducted with the equipment authorized in the construction permit (Public Notice of January 10, 1947, entitled "Interim Operation of New FM Broadcast Stations"). After the application for license has been filed showing that the station is in satisfactory operating condition, program tests may be conducted in accordance with § 3.217 of the rules.

License applications will not be granted unless an approved frequency and modulation monitor is installed. During equipment tests or interim operation a frequency measurement of the station's transmissions should be made with an external standard of known accuracy and the monitor reading compared with the frequency thus measured. A commercial frequency measuring service may be available or the standard frequency transmissions of station WWV may be used where suitable auxiliary equipment required for such measurements is available. If neither of these methods of checking frequency is feasible the application for license may request that the item be waived. While the item may be waived in some cases the station is not relieved of the responsibility of maintaining the operating frequency within the prescribed tolerance.

The FM license application form requires that measurements of audio frequency operating characteristics be made to insure that the FM engineering standards are met. It is expected that such measurements will also be required in connection with license renewal applications, in order that the technical performance of a station may be periodically reviewed. With respect to present operation, the Commission realizes that in some instances equipment for this purpose and adequately trained personnel for making such measurements are not immediately available. Accordingly, consideration will be given to applications for licenses which do not supply complete measurements to indicate compliance with the engineering standards. As much of this data should be supplied as possible, however, and applications must include reasons therefor when complete measurements are not made. In some instances licensees have reported difficulty in meeting fully all of the engineering requirements at this time due to equipment and measurements problems; applications indicating such conditions will be considered on their individual merits. The Commission wishes to emphasize that the FM engineering standards are not being changed, but only that additional time is being provided where necessary to meet these standards. This procedure will also permit more expeditious licensing of FM stations.

With respect to the field intensity measurements required of Class B FM stations by § 3.216 (c) of the rules, the Commission has received inquiries concerning the time within which such measurements must be submitted. As indicated by a footnote to the rule, this material "shall be submitted within one year after the license has been issued or within such extension of time as the Commission may for good cause grant." The Commission does not desire to impose an undue burden on FM licensees. However, the Commission wishes to obtain as much data as possible concerning FM service areas in order to provide for the best allocation and use of the FM band. While the Commission expects to follow a lenient policy concerning the requirement of field intensity measurements, it is hoped that FM licensees, particularly of the larger stations, will endeavor to supply this data as promptly as feasible.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1183; Filed, Feb. 9, 1948; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 790, Amdt. 3 to Special Directive 30]

BALTIMORE AND OHIO RAILROAD CO. TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 30 (12 F. R. 8782), under Service Order No. 790 (12 F. R. 7791), and good cause appearing therefor:

It is ordered, That Special Directive No. 30, be, and it is hereby amended by adding to Appendix A of Amendment No. 2 the following mines:

Mine:	*Weekly number of cars*
Shillinger	1
Rossiter	30

A copy of this amendment shall be served upon The Baltimore and Ohio Railroad Company and notice of this amendment shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 2d day of February A. D. 1948.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 48-1176; Filed, Feb. 9, 1948; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1025]

BALTIMORE AND OHIO RAILROAD CO.

FINDINGS AND ORDER GRANTING APPLICATION FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of February A. D. 1948.

The Los Angeles Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend un-

listed trading privileges to the Common Stock, $100.00 Par Value, of The Baltimore and Ohio Railroad Company, Room 308 Baltimore and Ohio Building, Baltimore, Maryland.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Los Angeles Stock Exchange with respect to this security traded on the San Francisco Stock Exchange is Southern California and Arizona; that out of a total of 2,562,953 shares outstanding, 43,641 shares are owned by 489 shareholders in the vicinity of the Los Angeles Stock Exchange; and that in the vicinity of the Los Angeles Stock Exchange there were 1,566 transactions involving 172,221 shares from October 1, 1946, to September 30, 1947;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Los Angeles Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, $100.00 Par Value, of The Baltimore and Ohio Railroad Company be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48–1171; Filed, Feb. 9, 1948; 8:45 a. m.]

[File No. 70–1712]

UNITED GAS CORP. AND UNITED GAS PIPE LINE CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3d day of February A. D. 1948.

United Gas Corporation ("United Gas"), a gas utility subsidiary of Electric Power & Light Corporation, a registered holding company subsidiary of Electric Bond and Share Company, itself a registered holding company, and United Gas' wholly owned subsidiary, United Gas Pipe Line Company ("Pipe Line"), having filed an application pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a), 7, 12 (f), and 15, with respect to the following transactions:

Pipe Line filed its Reclassification of Gas Plant and Original Cost Studies with the Federal Power Commission on July 25, 1944. Pursuant to authorization granted by this Commission, Pipe Line on April 29, 1944, acquired, through merger, all of the properties then owned by its wholly owned subsidiary, Houston Gulf Gas Company (File No. 54–91). The transactions proposed herein are in part consequent upon an order of the Federal Power Commission issued December 17, 1947, relating to the "Reclassification of Gas Plant and Original Cost Studies" (including the properties formerly owned by Houston Gulf Gas Company), filed by Pipe Line with the Federal Power Commission.

Pipe Line proposes to reduce the amount stated as capital with respect to its outstanding 100,000 shares of no par value common stock from $96,772,534.93 to $88,000,000 without reducing the number of shares, and to credit the amount of reduction ($8,772,534.93) to Account 270, Capital Surplus. United Gas, as the holder of all of the outstanding stock of Pipe Line, proposes to execute and deliver to Pipe Line a consent to the reduction in the capital of Pipe Line as above described. United Gas will account for the proposed reduction of the capital stock of Pipe Line by crediting its investment in Pipe Line by the sum of $8,772,534.93 and charging a like amount to "Reserve for Future Losses or Adjustments with Respect to Capital Assets."

Pipe Line proposes to record the following reclassification of its accounts:

1. Pipe Line will record in Account No. 100.5, Gas Plant Acquisition Adjustments, the sum of $36,754,083.63 and credit the same to Account No. 100.6, Gas Plant in Process of Reclassification:

2. Pipe Line will dispose of $14,750,000 of the amount recorded in Account 100.5 by the following charges:

(1) To Account 250–1—Reserve for depreciation (property retirement) of gas plant	$5,600,000.00
(2) To Account 270—Capital surplus	8,947,260.60
(3) To Account 271—Earned surplus	202,739.40
	14,750,000.00

3. Pipe Line will dispose of $230,195.66 of the amount recorded in Account No. 100.5 by charging or crediting the following accounts:

Account No. 125—Accounts receivable	$7,369.28
Account No. 126–2—Accounts receivable — associated companies	1,883.31
Account No. 144—Retirement work in progress	285,632.71
Account No. 223—Accounts payable—associated companies	[1] 4,113.77
Account No. 265—Contributions in aid of construction	[1] 60,575.87
	230,195.66

[1] Denotes credit.

4. Pipe Line will amortize the balance in Account 100.5 in the amount of $21,773,888.02 by making monthly charges of $120,966.04 to income with concurrent credits to Account 252, Reserve for Amortization of Gas Plant Acquisition Adjustments, commencing as of January 1, 1948 and continuing for 15 years with the understanding that such amortization can be accelerated by Pipe Line over a shorter period of time.

The proposed reclassification of the accounts of Pipe Line described above has been found appropriate for the purposes of the Natural Gas Act by the Federal Power Commission: *Provided,* That the capital surplus heretofore described is properly created.

It is proposed that the foregoing transactions be recorded on the books of the respective companies as of December 31, 1947.

The application having been filed on December 23, 1947, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application that the requirements of the applicable provisions of the act and rules thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate that the said application be granted, and also deeming it appropriate to grant the request of applicants that the order become effective at the earliest date possible:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that the said application be and the same hereby is granted effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48–1172; Filed, Feb. 9, 1948; 8:45 a. m.]

UNITED STATES MARITIME COMMISSION

AMERICAN PRESIDENT LINES, LTD.

NOTICE OF HEARING ON APPLICATION

A public hearing will be held in Room 4823, Commerce Building, Washington, D. C., on Tuesday, February 24, 1948, at 10 o'clock a. m., before Examiner C. W. Robinson, on an application of American President Lines, Ltd., to operate, without an operating-differential subsidy, Atlantic-Straits Freight Service "C–2", Trade Route No. 17. Under the terms of paragraph 6 of Operating-Differential Subsidy Agreement dated October 6, 1938, as amended, American President Lines, Ltd., must obtain written approval of the United States Maritime Commission to operate unsubsidized vessels, owned or controlled by American President Lines, Ltd., in the subsidized service of that company or in the foreign commerce of the United States in competition with any other service, route, or line receiving financial aid under the Merchant Marine Act, 1936.

The hearing will be conducted in conformity with the Commission's rules of

procedure, particularly § 201.111 thereof (12 F. R. 6076). All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to be heard at such hearing may file with the Commission, on or before February 16, 1948, written request to appear and be heard.

By order of the United States Maritime Commission.

R. L. McDONALD,
Assistant Secretary.

FEBRUARY 5, 1948.

[F. R. Doc. 48-1204; Filed, Feb. 9, 1948; 9:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9499, Amdt.]

L. A. ANDREW VS. UNION SAVINGS BANK AND TRUST CO.

In re: L. A. Andrew, Superintendent of Banking of the State of Iowa, plaintiff, vs. Union Savings Bank and Trust Co., Davenport, Iowa, defendant. File D-28-11555; E. T. sec. 15772.

Vesting Order 9499, dated July 25, 1947, is hereby amended as follows and not otherwise: By deleting the sum "$1,050.30", appearing in subparagraph 2 of said Vesting Order 9499, and substituting therefor the sum "$1,154.24".

All other provisions of said Vesting Order 9499 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on January 9, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1197; Filed, Feb. 9, 1948; 8:49 a. m.]

[Vesting Order 10533]

RICHARD WINNEGGE ET AL.

In re: Trust for Richard Winnegge, also known as Richard Hermann Otto Winnegge, et al. dated January 5, 1926 and supplemental agreement thereto dated December 29, 1927. File F-28-3957 G-1; E. T. sec. 1388.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Richard Winnegge, Hans Helmuth Winnegge, Ellen Winnegge and Hans Hellmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated January 5, 1926, and the supplemental agreement thereto dated December 29, 1927, by and between Richard Hellmann and Title Guarantee and Trust Company, 176 Broadway, New York 7, New York, and in and to all property held under said trust agreement and supplemental agreement by Title Guarantee and Trust Company, as trustee, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 21, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1195; Filed, Feb. 9, 1948; 8:48 a. m.]

[Vesting Order 10535]

HERMAN H. WOLFF

In re: Trust u/w of Hermann H. Wolff, deceased. File D-28-4370; E. T. sec. 14746.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adolf Kranold, Kuno Kranold, Anna Elizabeth Kranold, Hans Adolf Kranold, Hans Joachim Kranold, Jutta Kranold, Liselotte Kranold, Elizabeth Kranold, Edmund Riebow, Edna Riebow, and Elfriede Riebow, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany).

2. That the personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names, unknown, of the estate of Adolf Kranold and the personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of the estate of Edmund Riebow, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Herman H. Wolff, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Oscar R. Ewing, Franz A. Wolff and Konrad F. Braun, as trustees, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

5. That to the extent that the above identified persons and the personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of the estate of Adolf Kranold and the personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of the estate of Edmund Riebow, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 21, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1196; Filed, Feb. 9, 1948; 8:49 a. m.]

[Vesting Order 10382]

WILLIAM C. F. HELM

In re: Bank account, bonds and stock owned by William C. F. Helm, also known as Wilhelm Carl Friedrich Helm. F-28-3622-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William C. F. Helm, also known as Wilhelm Carl Friedrich Helm,

whose last known address is Yokohama, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to William C. F. Helm, also known as Wilhelm Carl Friedrich Helm, by The National City Bank of New York, 65 Wall Street, New York 15, N. Y., arising out of a Clean Credit Deposit Account, entitled William C. F. Helm, and any and all rights to demand, enforce and collect the same,

b. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, N. Y., together with any and all rights thereunder and thereto,

c. Those certain shares of stock described in Exhibit B, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in Exhibit B, presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, N. Y., together with all declared and unpaid dividends thereon, and

d. Those certain warrants to purchase thirty (30) shares of common stock of Mead Corp., 131 North Ludlow Street, Dayton, Ohio, evidenced by certificates numbered M4209; M4210; and M4211, presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, N. Y., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Description of issue	Certificate No.	Face value
Republic of Chile Ext. S/F 6%...	M1584/85...	[1] $1,000
Republic of Chinoise Internal 5% Loan 1925.	065965...	50
	065968...	50
Republic of Costa Rica:		
Pacific Ry. Fdg. 5%...	1073/75...	[1] 300
Pacific Ry. 7½% Series B...	B60...	1,000
Pacific Ry. 7½% Series D...	D101...	1,000
Pacific Ry. 7½% Series E...	E202...	1,000
General Electric Co., Germany 20-year S/F Deb. 6%.	M1135/37...	[1] 1,000
German Central Bank for Agriture Farm Loan Secd. S/F 2nd Ser. 6%.	M46263/65...	[1] 1,000
Ilseder Steel Corp. Mtge. 6% Series 1928.	M4362/64...	[1] 1,000
Mortgage Bank of Chile Gtd. S/F 6%	11211/13...	[1] 1,000
Rhine Westphalia Electric Power Corp. Direct Mtge. Ser. 6%.	M5106/07...	[1] 1,000
	14066...	1,000
State of San Paulo Coffee Realization Loan Secd. S/F 7%.	21128...	1,000
	21130...	1,000
Taiwan Electric Power Co., Ltd., S/F 5½%.	17312/17...	[1] 1,000
Republic of Uruguay, Readj. Ext. S/F 3¾%, 4% and 4½%.	M13125/26...	[1] 1,000
City of Yokohama Ext. S/F 6%...	978...	1,000
	6938...	1,000
	8273...	1,000
	8274...	1,000
	11664/73...	[1] 1,000
	16226...	1,000
Chicago Milwaukee St. Paul & Pacific R. R. Co. Conv. Adj. Mtge., Series A 5%.	83517/18...	[1] 1,000
	69376...	1,000
Pennsylvania R. R. Co. Conv. Deb. 3¼%.	D416...	500

[1] Each.

EXHIBIT B

Name and address of issuing corporation	State of incorporation	Certificate No.	Number of shares	Par value	Type of stock	Registered owner
American & Foreign Power Co., Inc., 2 Rector St., New York, N. Y.	Maine...	017121...	40	No par...	$6 cumulative preferred.	Hurley & Co., 55 Wall St., New York, N. Y.
Anaconda Copper Mining Co., 25 Broadway, New York 4, N. Y.	Montana...	F849667...	40	$50...	Capital...	Do.
The Baltimore & Ohio R. R. Co., B. & O. Bldg., Baltimore, Md.	Maryland...	526625...	40	$100...	Common...	Do.
Beaux-Arts Apts., Inc., 310 East 44th St., New York, N. Y.	New York...	PP01371...	10	$15...	$3 prior preferred...	Hurley & Co., 55 Wall St., New York, N. Y. Bearer form.
		C0451...	40	$1...	Common...	
		S302...	40/100	$1...	do...	
Bethlehem Steel Corp., 25 Broadway, New York, N. Y.	Delaware...	L5310...	50	No par...	do...	Hurley & Co., 55 Wall St., New York, N. Y.
Boeing Airplane Co., 7755 East Marginal Way, Seattle, Wash.	do...	092865...	20	$5...	Capital...	Do.
		0122184...	10	$5...	do...	Do.
Consolidated Edison Co. of New York, Inc., 4 Irving Pl., New York, N. Y.	New York...	99660...	40	No par...	Common...	Do.
Consolidated Natural Gas Co., 30 Rockefeller Plaza, New York, N. Y.	...	0134124...	3	$15...	Capital...	Do.
General Italian Edison Electric Corp., Milan, Italy...	...	0900...	40	600 lire...	American shares...	Do.
General Mills, Inc., 200 Chamber of Commerce Bldg., Minneapolis 15, Minn.	Delaware...	TNYC068965...	20	No par...	Common...	Do.
		TNYC29500...	100	do...	do...	
		NY/C047828...	60	do...	do...	
General Motors Corp., 3044 West Grand Blvd., Detroit, Mich.	do...	E214-908...	20	$10...	do...	Do.
International Nickel Co. of Canada, Ltd., 67 Wall St., New York 5, N. Y.	Dominion of Canada	NB254784...	46	No par...	do...	Do.
		NB2011...	18	do...	do...	
Mission Corporation, 15 Exchange Pl., Jersey City, N. J.	Nevada...	0139371...	2	$10...	Capital...	Do.
National City Bank of New York, 55 Wall St., New York, N. Y.	New York...	CO202811...	40	$12.50...	Common...	Do.
The Pennsylvania RR. Co., Broad Street, Station Bldg., Philadelphia, Pa.	Pennsylvania...	N852029...	40	$50...	Capital...	Do.
Radio Corp. of America, RCA Bldg., 30 Rockefeller Plaza, New York 20, N. Y.	Delaware...	FR/C24665...	7	No par...	Common foreign...	Do.
Southern Railway Co., McPherson Square, Washington 13, D. C.	Virginia...	A185308...	20	No par...	Common...	Do.
Standard Oil Co. of New Jersey, 30 Rockefeller Plaza, New York, N. Y.	New Jersey...	C793470...	30	$25...	Capital...	Do.
		CC124164...	1	$25...	do...	
The Texas Co., 135 East 42d St., New York, N. Y.	Delaware...	TO34744...	20	$25...	do...	Do.
United Aircraft Corp., East Hartford 8, Conn...	do...	0215227...	12	$5...	Common...	Do.
		0215300...	60	$5...	do...	
United Air Lines Transport Corp. (now United Air Lines, Inc.), United Air Lines Bldg., Municipal Airport, Chicago 38, Ill.	do...	NY/050063...	40	$5 (changed to $10 par value in December 1943).	Capital...	Do.
Westinghouse Electric Corp., 306 4th Ave., Pittsburgh, Pa.	Pennsylvania...	CO58139...	40	$12.50...	Common...	Do.

[F. R. Doc. 48-1157; Filed, Feb. 6, 1948; 8:52 a. m.]

[Vesting Order 10504]

JOHN CHRISTIAN DURR

In re: Trust created by order of the Probate Court of Oakland County, Michigan entered on June 11, 1946, in the matter of the estate of John Christian Durr, deceased. File D–28–10291; E. T. sec. 14669.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christian Durr, son of Christian Durr, Justina Durr Fill, Johanna Durr, _____ Durr, first name unknown, Julia Durr, Christian Durr, son of George Durr, and _____ Durr, first name unknown, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs, names unknown of Christian Durr, deceased, except George Durr, a resident of the United States and heirs, names unknown of George Durr, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created by Order of the Probate Court of Oakland County, Michigan entered on June 11, 1946, in the Matter of the Estate of John Christian Durr, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Milton H. Haselswerdt, as Trustee, acting under the judicial supervision of the Probate Court of Oakland County, Michigan;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the heirs, names unknown of Christian Durr, deceased, except George Durr, a resident of the United States and heirs, names unknown of George Durr, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 21, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48–1158; Filed, Feb. 6, 1948; 8:52 a. m.]

[Vesting Order 10505]

KATE ERHARDT

In re: Estate of Kate Erhardt, a/k/a Katie Erhardt and Kate Ehrhardt, deceased. File D–69–26; E. T. sec. 266.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ida (Erhardt) Aberlis, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of Kate Erhardt, a/k/a Katie Erhardt and Kate Ehrhardt, deceased is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Helene Erhardt, as administratrix, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 21, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48–1159; Filed, Feb. 6, 1948; 8:52 a. m.]

[Vesting Order 10507]

RUDOLPH H. E. GUDEWILL

In re: Trust u/w of Rudolph H. E. Gudewill, deceased. File D–28–11719; E. T. sec. 15930.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elfrida Woite, Margarete Gudewill and Ronchen Woite, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the trust created under the will of Rudolph H. E. Gudewill, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Josephine S. Valentine and Otto C. Hauschild, as executors and trustees, acting under the judicial supervision of the Surrogate's Court of Orange County, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 21, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48–1160; Filed, Feb. 6, 1948; 8:52 a. m.]

[Vesting Order 10511]

GOTTFRIED KRUEGER

In re: Trust u/w of Gottfried Krueger, deceased. File D–28–1911; E. T. sec. 1671.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rose Marie Bergmann Schneider, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subpar-

agraph 1 hereof in and to the trust created under the will of Gottfried Krueger, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by William C. Krueger, Sigmund Bergmann and Bertha Krueger Plum, as trustees, acting under the judicial supervision of the Essex County Orphans' Court, New Jersey;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 21, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1161; Filed, Feb. 6, 1948; 8:52 a. m.]